

# HOUSE JOURNAL

FORTY-FOURTH LEGISLATURE, REGULAR SESSION

## PROCEEDINGS

### FIFTY-SECOND DAY

(Continued)

(Wednesday, April 17, 1935)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

### SENATE BILL NO. 146 ON THIRD READING

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 146, A bill to be entitled "An Act to create the Department of Public Safety of the State of Texas; and the Public Safety Commission."

The bill was read third time.

Mr. Alsup raised a point of order on further consideration of Senate Bill No. 146 on the ground that Section 26 of the bill is in violation of Article VIII, Section 7, of the Constitution.

The Speaker overruled the point of order.

Mrs. Moore offered the following amendment to the bill:

Amend Senate Bill No. 146 by striking out of Section 25, page 12, the words "buildings and quarters."

The amendment was adopted.

Mr. Spears offered the following committee amendment to the bill:

Amend Section 24 of Senate Bill No. 146 by adding to the end of said section the following: "provided that in cases of such emergency the Commission, upon the direction of the Governor, shall appoint such number of special rangers as directed, and that such special rangers shall receive the same pay as is paid to privates in the regular Ranger Force, and provided further that no person shall hereafter serve as a special ranger unless his salary is paid entirely by the State."

Mr. Farmer offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 146 as follows: Add after the word "State," in line 10, page 15, these words, "and said special rangers so appointed shall be discharged when the public emergency is at an end."

The amendment was adopted.

The amendment as amended was lost.

Mr. McConnell offered the following amendment to the bill:

Amend Senate Bill No. 146 by striking out all below the enacting clause and inserting in lieu thereof the following: "There is hereby established, under the jurisdiction of the Adjutant General's Office, a Division of the Bureau of Identification and Investigation to be known as the Division of Identification and Information; said division shall be vested with the duty of requiring, collecting, classifying and preserving criminal identification and other crime records and the exchanging of said criminal identification records with the duly authorized officials of governmental agencies of States, cities, and penal institutions; and the cost of maintenance and operation of said division shall be paid out of the General Appropriation Funds of this State for the respective fiscal years concerned as otherwise provided."

The amendment was lost.

Mr. Reader moved the previous question on the passage of Senate Bill No. 146 to third reading, and the motion was not seconded.

Mr. Alsup offered the following amendment to the bill:

Amend Senate Bill No. 146 by adding a new section to read as follows: "Section —. The Commission is hereby required to install a finger-

print system, and the fingerprints of every person within this State over the age of one year shall be filed with the Commission, together with any other information deemed necessary by the Commission, within one year after the effective date of this Act."

The amendment was lost.

Mr. Farmer offered the following amendment to the bill:

Amend Senate Bill No. 146 as follows: Strike out Section 12 on pages 6 and 7 of the bill.

(Pending consideration of the amendment, Mr. Butler of Brazos occupied the Chair temporarily.)

(Speaker in the Chair.)

Question recurring on the amendment by Mr. Farmer, yeas and nays were demanded.

The amendment was lost by the following vote:

#### Yeas—26

Alsup	Lotief
Bergman	McConnell
Bradbury	Olsen
Broyles	Pope
Caldwell	Roane
Daniel	Roberts
Farmer	Rogers
Frazer	Shofner
Hardin	Stovall
Huddleston	Venable
Hunt	Westfall
Jones of Shelby	Wood of Harrison
King	Youngblood

#### Nays—95

Adamson	Dickison
Adkins	Duvall
Aikin	England
Alexander	Fain
Atchison	Fisher
Beck	Ford
Bourne	Fox
Bradford	Fuchs
Burton	Gibson
Butler of Brazos	Glass
Butler of Karnes	Graves
Cagle	Gray
Calvert	Greathouse
Canon	Hanna
Celaya	Harris of Archer
Collins	Harris of Dallas
Cooper	Head
Cowley	Herzik
Craddock	Hill
Crossley	Hodges
Davis	Hofheinz
Davison of Fisher	Holland
Davisson	Howard
of Eastland	Hyder

Jackson	Payne
James	Petsch
Jones of Atascosa	Quinn
Jones of Runnels	Reader
Jones of Wise	Reed of Bowie
Keefe	Reed of Dallas
Knetsch	Roach of Angelina
Lanning	Roach of Hunt
Latham	Roark
Leath	Russell
Lindsey	Rutta
Lucas	Scarborough
Mauritz	Settle
McFarland	Smith
McKee	Stanfield
McKinney	Steward
Moffett	Tarwater
Moore	Thornton
Morris	Tillery
Morse	Waggoner
Newton	Walker
Nicholson	Wells
Padgett	Wood of Montague
Patterson	Young

#### Absent

Ash	Hunter
Clayton	Jefferson
Colquitt	Jones of Falls
Colson	Lange
Dunagan	Lemens
Dunlap of Hays	Leonard
Dunlap of Kleberg	Luker
Dwyer	Morrison
Good	Riddle
Hankamer	Spears
Hartzog	Stinson
Hoskins	Tennyson

#### Absent—Excused

Fitzwater	Palmer
McCalla	Worley

Mr. McConnell offered the following amendment to the bill:

Amend Senate Bill No. 146, Section 7, as amended by the Knetsch amendment, adopted on second reading, by striking out all after the word "Legislature," in line 11, and insert in lieu thereof the following: "not to exceed three thousand dollars (\$3,000) per year. The said director shall be directly responsible to the Commission for the conduct of all the affairs of the department."

Question recurring on the amendment by Mr. McConnell, yeas and nays were demanded.

The amendment was adopted by the following vote:

#### Yeas—97

Adamson	Aikin
Adkins	Alsup

Beck	Jones of Runnels
Bergman	Jones of Shelby
Bourne	Keefe
Bradbury	King
Bradford	Lanning
Broyles	Latham
Burton	Lemens
Butler of Brazos	Lindsey
Butler of Karnes	Lotief
Cagle	Lucas
Canon	Luker
Celaya	McConnell
Cowley	McKinney
Craddock	Moffett
Crossley	Moore
Davis	Morris
Davison of Fisher	Morrison
Davisson	Newton
of Eastland	Olsen
Dickison	Payne
Dunagan	Pope
Dunlap of Hays	Quinn
Dwyer	Reed of Bowie
England	Reed of Dallas
Fain	Roach of Angelina
Farmer	Roach of Hunt
Fisher	Roane
Gibson	Roberts
Glass	Rogers
Good	Russell
Graves	Settle
Gray	Shofner
Greathouse	Smith
Hanna	Stanfield
Hardin	Steward
Harris of Archer	Stovall
Harris of Dallas	Tarwater
Herzik	Thornton
Hill	Tillery
Hodges	Venable
Hofheinz	Waggoner
Hoskins	Walker
Howard	Wells
Huddleston	Westfall
Hunt	Wood of Harrison
Hyder	Wood of Montague
Jackson	Youngblood
Jones of Atascosa	

## Nays—26

Calvert	Knetsch
Collins	Leath
Colquitt	Mauritz
Cooper	McFarland
Daniel	Morse
Duvall	Nicholson
Ford	Padgett
Fox	Patterson
Frazer	Petsch
Head	Roark
Holland	Rutta
Jefferson	Scarborough
Jones of Wise	Young

## Absent

Alexander	Atchison
Ash	Caldwell

Clayton	Lange
Colson	Leonard
Dunlap of Kleberg	McKee
Fuchs	Reader
Hankamer	Riddle
Hartzog	Spears
Hunter	Stinson
James	Tennyson
Jones of Falls	

## Absent—Excused

Fitzwater	Palmer
McCalla	Worley

Mr. Farmer moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Question—Shall Senate Bill No. 146 be passed?

## INVITING HON. W. P. HOBBY TO ADDRESS THE HOUSE

Mr. Howard offered the following resolution:

Whereas, Hon. William Pettus Hobby, former Governor of Texas, is in the city; and

Whereas, Governor Hobby is a distinguished and loyal citizen, and stood at the head of the State Government during a successful and honored administration; and

Whereas, Governor Hobby is recognized as an outstanding authority upon State affairs; therefore, be it

Resolved, That Governor Hobby be invited to address the membership of the House for a period of ten minutes, at 11:30 o'clock this morning.

Signed—Howard, Moore, Stinson, Reed of Dallas, Harris of Dallas, Colquitt, Collins, McKee, Butler of Brazos, Holland, Morse, Dwyer, Spears, Reader, Alexander, Hofheinz.

The resolution was read second time, and was adopted.

## HOUSE BILL NO. 189 WITH SENATE AMENDMENTS

Mr. Jefferson called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 189, A bill to be entitled "An Act to regulate the occupation of hairdressers and cosmetologists, to create a State board of examiners for the licensing of persons to carry on and to teach such practice, to insure the better education of such practi-

tioners, etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Jefferson moved that the House concur in the Senate amendments.

Mr. Tennyson moved that the Senate amendments be printed in the Journal, and further consideration on House Bill No. 189 be postponed until tomorrow.

Mr. Jefferson moved to table the motion by Mr. Tennyson.

The motion to table was lost.

Question recurring on the motion by Mr. Tennyson, it prevailed.

#### HOUSE BILL NO. 521 WITH SENATE AMENDMENTS

Mr. Reed of Dallas called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 521, A bill to be entitled "An Act making better provision for the regulation of the sale and dealings in stocks, bonds, and securities in this State, etc., and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Reed of Dallas, the House concurred in the Senate amendments by the following vote:

Yeas—127

Adamson	Clayton
Adkins	Collins
Aikin	Cooper
Alexander	Craddock
Alsup	Crossley
Ash	Daniel
Beck	Davis
Bergman	Davison of Fisher
Bourne	Davisson
Bradbury	of Eastland
Bradford	Dickison
Broyles	Dunagan
Burton	Dunlap of Hays
Butler of Karnes	Duvall
Cagle	Dwyer
Caldwell	England
Calvert	Fain
Canon	Farmer
Celaya	Fisher

Ford	McKinney
Fox	Moffett
Frazer	Moore
Gibson	Morris
Glass	Morrison
Graves	Morse
Gray	Newton
Greathouse	Nicholson
Hankamer	Olsen
Hanna	Patterson
Hardin	Payne
Harris of Dallas	Petsch
Hartzog	Pope
Head	Quinn
Herzik	Reader
Hodges	Reed of Bowie
Hofheinz	Reed of Dallas
Holland	Roach of Angelina
Hoskins	Roach of Hunt
Huddleston	Roark
Hunt	Roberts
Hunter	Russell
Hyder	Rutta
Jackson	Scarborough
James	Settle
Jefferson	Shofner
Jones of Atascosa	Smith
Jones of Falls	Spears
Jones of Runnels	Stanfield
Jones of Shelby	Steward
Jones of Wise	Stinson
Keefe	Stovall
King	Tarwater
Knetsch	Tennyson
Lange	Thornton
Lanning	Tillery
Leath	Venable
Lemens	Waggoner
Leonard	Walker
Lotief	Wells
Lucas	Westfall
Mauritz	Wood of Harrison
McConnell	Wood of Montague
McFarland	Young
McKee	Youngblood

Nays—1

Lindsey

Absent

Atchison	Hill
Butler of Brazos	Howard
Colquitt	Latham
Colson	Luker
Cowley	Padgett
Dunlap of Kleberg	Riddle
Fuchs	Roane
Good	Rogers
Harris of Archer	

Absent—Excused

Fitzwater	Palmer
McCalla	Worley

## HOUSE BILL NO. 781 WITH SENATE AMENDMENTS

Mr. Leonard called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 781, A bill to be entitled "An Act making appropriations to pay the salaries and wages of officers and employes of the eleemosynary institutions of the State and the Alabama and Coushatti Indians and for other expenses of maintaining and operating them for the two (2) fiscal years beginning September 1, 1935, and ending August 31, 1937, as follows, to wit: Abilene State Hospital; Alabama and Coushatti Indians; Austin State Hospital; Austin State School; Colored Orphans Home, Gilmer; Confederate Home; Confederate Woman's Home; Deaf, Dumb and Blind Institute for Colored Youths; Girls' Training School; Home of Dependent and Neglected Children; State Hospital for Crippled and Deformed Children, at Galveston; State Juvenile Training School; State Orphans Home; Rusk State Hospital; San Antonio State Hospital; Galveston State Psychopathic Hospital; Terrell State Hospital; State Tuberculosis Sanatorium; Wichita Falls State Hospital; Texas School for the Blind at Austin; Texas School for the Deaf at Austin, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

Mr. Leonard moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

BILLS AND RESOLUTIONS  
SIGNED BY THE  
SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

S. B. No. 324, "An Act prohibiting any person from catching, retaining, or having in his possession any channel catfish or blue catfish which are less than eleven inches in length or to catch or retain or have in his posses-

sion in any one day a total aggregate of more than twenty of such fish taken from any of the waters described in Section 1 of Chapter 37 of the Acts of the Thirty-ninth Legislature; and providing a maximum number of hooks that may be used on any trot-line and the minimum distance of said hooks from each other on said line; and providing the minimum distance from each other that any trot-lines may be set and the number of trot-lines that any party composed of any two or more persons may set or use at the same time in the waters described in said Section 1 of Chapter 37 of the Acts of the Thirty-ninth Legislature; and defining what is meant by the word 'party' as used in this Act, and declaring an emergency."

S. B. No. 46, "An Act amending Article 5058 of the Revised Civil Statutes of Texas, 1925, so as to prohibit the issuing, signing, countersigning, or delivering of certain insurance policies except through regularly licensed local recording agents as the term is defined in Chapter 96, page 150, Acts of the Forty-second Legislature, 1931, and requiring notice of inability to insure to be filed with the Board of Insurance Commissioners, but exempting companies not operating through local recording agents, and declaring an emergency."

S. B. No. 366, "An Act amending Article 4201, Chapter 8, Title 69, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, relative to the sale of real estate by guardians."

S. B. No. 457, "An Act making it lawful to kill squirrels in Lee County at any time; repealing all laws in conflict therewith, and declaring an emergency."

H. C. R. No. 81, Inviting Judge James E. Blaine to address a Joint Session of the House and Senate.

S. C. R. No. 35, Memorializing Congress in regard to the "Thomas Bill."

S. C. R. No. 37, Providing for the acceptance of a portrait of President Franklin Delano Roosevelt.

## MESSAGE FROM THE GOVERNOR

Mr. Edward Clark, secretary to the Governor, appeared at the bar of the House, and, being duly announced,

presented the following message from the Governor, which was read to the House, as follows:

Executive Office,  
Austin, Texas, April 17, 1935.

To the Members of the Forty-fourth Legislature:

My attention has been directed to the present situation of Senate Bills Nos. 114 and 189, and House Bills Nos. 89, 736, 743, 749, 755 and 785. These bills, if enacted into law, I am informed by those best able to form an estimate, will bring in additional revenue of seventeen million, five hundred thousand dollars (\$17,500,000) a year. With the exception of House Bill No. 785, which imposes tax on liquor sales permitted by existing prohibition laws, none of them levy additional taxes. The purpose of all of them is to stop the tax leaks existing in present tax laws.

It is unfair to leave these loopholes and have law-abiding citizens pay these taxes and the guilty escape.

Only the near approach of the close of this Session and the desire of all of us to balance the budget impels me to suggest and request of the House and Senate that if in your good judgment this should be done, that a concurrent resolution be passed, suspending the Rules of the House and Senate so as to permit the respective houses to take up and pass these bills Wednesday and Thursday, thereby insuring the final enactment of these measures into laws.

I am reliably informed that they are non-controversial measures to a large extent, and in view of the large revenue they should bring to the State, I feel both of your honorable bodies will give special attention to them and take no chance on failing to get this additional revenue. Your co-operation will be greatly appreciated.

Respectfully submitted,

WALTER F. WOODUL,

Acting Governor of Texas.

#### TO SUSPEND CERTAIN JOINT RULES

Mr. Jones of Atascosa offered the following resolution:

H. C. R. No. 83, To suspend certain Joint Rules.

Be it resolved by the House of Representatives, the Senate concurring, That Joint Rules 23, 24, and 32 be,

and the same are hereby, suspended for the purpose of allowing the House to consider House Bills Nos. 89, 736, 743, 749, 755, and 785 until finally disposed of.

JONES of Atascosa,  
PETSCH.

The resolution was read second time.

Mr. Alsop offered the following amendment to the resolution:

Amend resolution so as to include House Bill No. 325.

Mr. Aikin raised a point of order on further consideration of the amendment by Mr. Alsop at this time, on the ground that a motion to suspend the Rules cannot be amended.

The Speaker sustained the point of order.

The resolution was adopted by the following vote:

#### Yeas—121

Adamson	Good
Adkins	Graves
Aikin	Gray
Alsop	Hankamer
Ash	Hanna
Atchison	Hardin
Beck	Harris of Archer
Bourne	Harris of Dallas
Bradford	Hartzog
Broyles	Herzik
Burton	Hodges
Butler of Brazos	Hofheihz
Butler of Karnes	Holland
Caldwell	Hoskins
Calvert	Hunt
Canon	Hunter
Clayton	Hyder
Collins	Jackson
Cooper	James
Craddock	Jefferson
Crossley	Jones of Atascosa
Davis	Jones of Falls
Davison of Fisher	Jones of Runnels
Davisson	Jones of Shelby
of Eastland	Jones of Wise
Dickison	Keefe
Dunagan	King
Dunlap of Hays	Knetsch
Dunlap of Kleberg	Lange
Duvall	Lanning
Dwyer	Latham
England	Leath
Fain	Leonard
Fisher	Lindsey
Ford	Lotief
Frazer	Lucas
Fuchs	Luker
Gibson	Mauritz
Glass	McConnell

McFarland	Rogers
McKee	Russell
McKinney	Rutta
Moffett	Settle
Morris	Shofner
Morrison	Smith
Morse	Spears
Newton	Stanfield
Nicholson	Steward
Olsen	Stovall
Padgett	Tarwater
Patterson	Tennyson
Payne	Thornton
Petsch	Tillery
Pope	Venable
Quinn	Waggoner
Reader	Walker
Reed of Bowie	Wells
Reed of Dallas	Wood of Harrison
Roach of Angelina	Wood of Montague
Roach of Hunt	Young
Roark	Youngblood
Roberts	

## Nays—12

Bergman	Fox
Bradbury	Greathouse
Cagle	Hill
Colquitt	Lemens
Daniel	Scarborough
Farmer	Westfall

## Absent

Alexander	Huddleston
Celaya	Moore
Colson	Riddle
Cowley	Roane
Head	Stinson
Howard	

## Absent—Excused

Fitzwater	Palmer
McCalla	Worley

**TO SUSPEND CERTAIN JOINT  
RULES FOR THE PURPOSE OF  
CONSIDERING HOUSE  
BILL NO. 245**

Mr. Spears offered the following resolution:

H. C. R. No. 84, To suspend certain Rules so as to consider House Bill No. 245.

Be it resolved by the House of Representatives, the Senate concurring, That Joint Rules 23, 24, and 32 be, and the same are hereby, suspended for the purpose of allowing the House to consider House Bill No. 245 until finally disposed of.

The resolution was lost (not receiving the necessary two-thirds vote), by the following vote:

## Yeas—70

Adkins	Keefe
Alsup	Knetsch
Atchison	Lange
Beck	Lanning
Bourne	Leath
Bradbury	Lemens
Broyles	Lotief
Burton	Lucas
Cagle	McConnell
Calvert	McFarland
Craddock	Morris
Daniel	Newton
Davison of Fisher	Olsen
Dickison	Patterson
England	Payne
Fain	Petsch
Farmer	Reader
Ford	Reed of Bowie
Fox	Roach of Angelina
Fuchs	Roach of Hunt
Glass	Roark
Good	Roberts
Graves	Rogers
Greathouse	Rutta
Hardin	Settle
Head	Shofner
Herzik	Spears
Hodges	Stovall
Huddleston	Tarwater
Hunt	Tennyson
Hyder	Tillery
Jones of Atascosa	Venable
Jones of Falls	Walker
Jones of Shelby	Wells
Jones of Wise	Westfall

## Nays—65

Adamson	Hanna
Aikin	Harris of Archer
Alexander	Harris of Dallas
Bergman	Hartzog
Bradford	Hill
Butler of Brazos	Hofheinz
Butler of Karnes	Hoskins
Caldwell	Howard
Canon	Hunter
Clayton	Jackson
Collins	James
Colquitt	Jones of Runnels
Cooper	King
Crossley	Latham
Davisson	Leonard
of Eastland	Lindsey
Dunagan	Luker
Dunlap of Hays	Mauritz
Dunlap of Kleberg	McKee
Duvall	McKinney
Dwyer	Moffett
Fisher	Morse
Frazer	Nicholson
Gibson	Padgett
Gray	Pope
Hankamer	Quinn

Reed of Dallas	Stinson
Roane	Thornton
Russell	Waggoner
Scarborough	Wood of Harrison
Smith	Wood of Montague
Stanfield	Young
Steward	Youngblood

## Absent

Ash	Holland
Celaya	Jefferson
Colson	Moore
Cowley	Morrison
Davis	Riddle

## Absent—Excused

Fitzwater	Palmer
McCalla	Worley

## TO SUSPEND CERTAIN JOINT RULES

Mr. Atchison offered the following resolution:

H. C. R. No. 85, To suspend certain Joint Rules for the purpose of considering House Bill No. 41.

Be it resolved by the House of Representatives, the Senate concurring, That Joint Rules 23, 24, and 32 be, and the same are hereby, suspended for the purpose of allowing the House to consider House Bill No. 41 until finally disposed of.

The resolution was lost (not receiving the necessary two-thirds vote), by the following vote:

## Yeas—73

Adkins	Graves
Alsup	Greathouse
Atchison	Hankamer
Beck	Hardin
Bourne	Harris of Dallas
Bradbury	Herzik
Broyles	Hodges
Burton	Hofheinz
Cagle	Howard
Calvert	Huddleston
Canon	Hunt
Craddock	Hyder
Daniel	Jones of Falls
Davison of Fisher	Jones of Shelby
Davisson	Jones of Wise
of Eastland	Keefe
Dunlap of Hays	Lange
England	Lanning
Fain	Latham
Farmer	Leath
Ford	Lemens
Fox	Lindsey
Fuchs	Lotief
Glass	Lucas
Good	Mauritz

McConnell	Rutta
McFarland	Scarborough
Moore	Settle
Morris	Shofner
Olsen	Smith
Payne	Spears
Petsch	Tennyson
Reader	Tillery
Reed of Bowie	Venable
Roach of Hunt	Walker
Roark	Wells
Roberts	Westfall

## Nays—53

Adamson	King
Aikin	Knetsch
Alexander	Luker
Bergman	McKee
Bradford	McKinney
Butler of Karnes	Moffett
Caldwell	Morse
Clayton	Newton
Collins	Nicholson
Colquitt	Padgett
Cooper	Patterson
Crossley	Pope
Davis	Quinn
Dickison	Reed of Dallas
Duvall	Roach of Angelina
Dwyer	Roane
Fisher	Rogers
Frazer	Russell
Gibson	Stanfield
Gray	Steward
Hanna	Stinson
Harris of Archer	Tarwater
Hill	Thornton
Hunter	Waggoner
Jackson	Wood of Harrison
James	Wood of Montague
Jones of Runnels	

## Absent

Ash	Hoskins
Butler of Brazos	Jefferson
Celaya	Jones of Atascosa
Colson	Leonard
Cowley	Morrison
Dunagan	Riddle
Dunlap of Kleberg	Stovall
Hartzog	Young
Head	Youngblood
Holland	

## Absent—Excused

Fitzwater	Palmer
McCalla	Worley

## TO SUSPEND CERTAIN JOINT RULES

Mr. Bradbury offered the following resolution:

H. C. R. No. 86, To suspend certain Joint Rules for the purpose of considering House Bill No. 703.



Be it resolved by the House of Representatives, the Senate concurring, That Joint Rules Nos. 23, 24 and 32 be suspended for the purpose of considering House Bill No. 703 until finally passed.

BRADBURY,  
FOX.

The resolution was lost (not receiving the necessary two-thirds vote), by the following vote:

Yeas—58

Adkins	Huddleston
Alsup	Hunt
Atchison	Hyder
Beck	Jefferson
Bourne	Jones of Shelby
Bradbury	Jones of Wise
Broyles	Keefe
Burton	Lanning
Cagle	Lemens
Calvert	Lindsey
Canon	Lotief
Cooper	Lucas
Craddock	Mauritz
Daniel	McConnell
Davison of Fisher	McFarland
Davisson	Morris
of Eastland	Petsch
Dwyer	Reed of Bowie
Fain	Roach of Hunt
Farmer	Roark
Fox	Scarborough
Fuchs	Settle
Glass	Spears
Good	Stovall
Graves	Tarwater
Greathouse	Tennyson
Hardin	Tillery
Hartzog	Walker
Head	Westfall
Herzik	

Nays—53

Adamson	Hodges
Aikin	Hofheinz
Bergman	Hoskins
Bradford	Jackson
Butler of Brazos	Jones of Runnels
Butler of Karnes	King
Caldwell	Knetsch
Clayton	Latham
Collins	Luker
Colquitt	McKee
Crossley	McKinney
Dunagan	Moffett
Dunlap of Hays	Morse
England	Nicholson
Fisher	Pope
Ford	Quinn
Frazer	Reader
Gibson	Reed of Dallas
Gray	Roane
Harris of Archer	Roberts
Hill	Rogers

Russell	Waggoner
Rutta	Wells
Stanfield	Wood of Harrison
Steward	Wood of Montague
Stinson	Youngblood
Thornton	

Present—Not Voting

Davis

Absent

Alexander	Lange
Ash	Leath
Celaya	Leonard
Colson	Moore
Cowley	Morrison
Dickison	Newton
Dunlap of Kleberg	Olsen
Duvall	Padgett
Hankamer	Patterson
Hanna	Payne
Harris of Dallas	Riddle
Holland	Roach of Angelina
Howard	Shofner
Hunter	Smith
James	Venable
Jones of Atascosa	Young
Jones of Falls	

Absent—Excused

Fitzwater	Palmer
McCalla	Worley

### TO SUSPEND CERTAIN JOINT RULES

Mr. Daniel offered the following resolution:

H. C. R. No. 87, To suspend certain Joint Rules for the purpose of considering House Bill No. 939.

Be it resolved by the House of Representatives, the Senate concurring, That Joint Rules 23, 24 and 32 be, and the same are hereby, suspended for the purpose of allowing the House to consider House Bill No. 939 until finally disposed of.

The resolution was lost (not receiving the necessary two-thirds vote), by the following vote:

Yeas—64

Adkins	Davison of Fisher
Alsup	Davisson
Atchison	of Eastland
Beck	Dunlap of Hays
Bourne	Dwyer
Bradbury	Fain
Broyles	Farmer
Burton	Ford
Cagle	Fox
Calvert	Fuchs
Craddock	Glass
Daniel	Good

Graves	Petsch
Greathouse	Reed of Bowie
Hardin	Roach of Hunt
Hartzog	Roark
Head	Roberts
Hodges	Rutta
Huddleston	Scarborough
Hunt	Settle
Jones of Atascosa	Shofner
Jones of Shelby	Spears
Jones of Wise	Steward
Keefe	Stovall
Lanning	Tarwater
Lotief	Thornton
Lucas	Tillery
Luker	Venable
Mauritz	Walker
McConnell	Wells
Morris	Westfall
Olsen	Youngblood
Payne	

## Nays—51

Adamson	King
Aikin	Knetsch
Bergman	Latham
Bradford	Lindsey
Butler of Karnes	McFarland
Canon	McKee
Clayton	McKinney
Collins	Moffett
Cooper	Morse
Crossley	Nicholson
Davis	Pope
Dunagan	Quinn
Duvall	Reader
England	Reed of Dallas
Fisher	Roane
Frazer	Rogers
Gibson	Russell
Gray	Smith
Harris of Dallas	Stanfield
Herzik	Stinson
Hill	Tennyson
Hofheinz	Waggoner
Hoskins	Wood of Harrison
Hyder	Wood of Montague
Jackson	Young
Jefferson	

## Absent

Alexander	Hunter
Ash	James
Butler of Brazos	Jones of Falls
Caldwell	Jones of Runnels
Celaya	Lange
Colquitt	Leath
Colson	Lemens
Cowley	Leonard
Dickison	Moore
Dunlap of Kleberg	Morrison
Hankamer	Newton
Hanna	Padgett
Harris of Archer	Patterson
Holland	Riddle
Howard	Roach of Angelina

## Absent—Excused

Fitzwater	Palmer
McCalla	Worley

## MESSAGE FROM THE SENATE

## Senate Chamber,

Austin, Texas, April 17, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 476, A bill to be entitled "An Act conferring additional powers upon navigation districts, authorizing navigation districts to charge tolls for the use of its waterways by persons using them for commercial purposes, which waterways are not owned or constructed by the United States as a navigation project; providing that such district may lease its right of ways, spoil basins and other lands for oil, gas and mineral development, providing it does not interfere with the use or development of the project for navigation, and providing the procedure therefor; and declaring an emergency."

H. B. No. 392, A bill to be entitled "An Act to permit any county in this State wherein the United States Government has acquired or shall hereafter acquire large bodies of land embracing 1,000 acres or more, for purposes of reforestation, and whose assessed valuation of property is not less than \$40,000,000, to adopt, by majority vote of qualified voters of such county, a county unit system to the extent provided in this Act; etc., and declaring an emergency." (With amendments.)

The Senate has adopted

S. C. R. No. 41, Granting permission to J. M. Walker to sue the State.

The Senate has reconsidered the vote by which the conference report on Senate Bill No. 361 was adopted by the following vote: Yeas, 10; nays, 8; present, not voting, 5.

Respectfully,

BOB BARKER,

Secretary of the Senate.

## ADDRESS BY HON. W. P. HOBBY

At 11:30 o'clock a. m., Hon. W. P. Hobby, escorted by Messrs. Morse, Howard, Hofheinz, Holland, and Col-

quitt, was announced at the bar of the House, and, being admitted, was escorted to a seat on the Speaker's stand;

The House, by resolution, having invited ex-Governor Hobby to address the House.

Speaker Stevenson presented Mr. Howard, who introduced Hon. W. P. Hobby.

Mr. Hobby addressed the House briefly.

### RECESS

On motion of Mr. Broyles, the House, at 12 o'clock m., took recess to 1:45 o'clock p. m., today.

### AFTERNOON SESSION

The House met at 1:45 o'clock p. m., and was called to order by the Speaker.

### MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 17, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has re-referred Senate Bill No. 361 to the conference committee for further consideration.

Respectfully,

BOB BARKER,

Secretary of the Senate.

### SENATE BILL NO. 146 ON FINAL PASSAGE

The House resumed consideration of pending business, same being Senate Bill No. 146, relating to the creation of a Department of Public Safety of Texas;

The bill having been read third, time on this morning.

Mr. Wood of Harrison offered the following amendment to the bill:

Amend Senate Bill No. 146 by striking out all below the enacting clause, and insert in lieu thereof the following:

"Section 1. A bureau of the State Government to be under the supervision and provisions of Chapter 3 of the Revised Civil Statutes of the

State of Texas, 1925, Civil Code, entitled 'Adjutant General,' is hereby created and is designated as the Texas State Bureau of Identification.

"Sec. 2. Said bureau shall be under the supervision and control of a person designated as 'Superintendent of Identification,' who must be a recognized fingerprint expert, who shall be appointed by the Governor. The term of office of the superintendent first appointed shall be until January 1, 1936, and thereafter the term of office shall be for two years, and the superintendent appointed shall serve under the provisions of this Act, and until his successor shall have qualified after appointment. The salary of said superintendent shall be thirty-six hundred dollars (\$3,600) per year, payable as other employes in the State Government, and he shall devote his entire time to the duties of his office. He shall make such rules and regulations and adopt such measures as may be deemed necessary to insure the efficient operation of the bureau.

"Sec. 3. The Superintendent of Identification shall appoint two assistants who shall be identification experts, skilled in the science of fingerprints and other methods of identifying criminals, shall receive annual salaries of eighteen hundred dollars (\$1,800) each, shall hold office subject to the will of the superintendent, but shall not be dismissed without cause shown and filed in the office of the Attorney General by the superintendent, and a copy of said reasons for dismissal shall also be furnished the discharged assistant. The superintendent shall also appoint an office assistant who shall be an expert stenographer, and who shall receive an annual salary of twelve hundred dollars (\$1,200).

"Sec. 4. The Superintendent of Identification shall, before entering upon the discharge of the duties of his office, subscribe to the usual oath of office and furnish a bond for the faithful performance of his duties in the sum of three thousand dollars (\$3,000). The premium for such bond shall be paid from the funds hereinafter appropriated for defraying the expenses of this bureau, and said bond shall be filed in the office of the Secretary of State. The assistants and office assistant herein provided for

shall subscribe to the usual oath of office, and deputation, appointment, and oath shall be filed in the office of the Secretary of State after said oath has been duly subscribed.

"Sec. 5. The bureau shall install systems of identification of criminals including the fingerprint system, and such other systems and methods as the superintendent shall deem proper. Said bureau shall obtain from whatever sources available finger and thumbprints, measurements, photographs, plates, outline pictures, descriptions and such other information as may be necessary of persons who have been or who may be hereafter arrested within this State, charged with crimes of the grade of a felony or misdemeanors involving moral turpitude, or who are known to be habitual criminals. The bureau shall keep a complete record of all such information received, and shall index same in a manner convenient for ready reference and comparison.

"Sec. 6. Within forty-eight hours after their arrest, the sheriffs of the various counties of the State and the chiefs of police of all incorporated cities and towns within this State, shall forward to the bureau by mail two sets of finger and thumbprints, classified handwriting, photographs where possible, and other identification data prescribed by the superintendent of identification, of (1) all persons arrested and charged with any crime of the grade of a felony or misdemeanor involving moral turpitude, or suspected of having committed such crime or crimes; (2) fugitives from justice or believed to be such; (3) persons arrested in possession of prohibited weapons, burglar tools, high explosives, or of any infernal machine or other contrivance in whole or in part, or other persons who have in their possession ink dyes, papers, molds or other necessary articles in making counterfeit bank notes or money or coins, without proper authority, or other appliances believed to be used for criminal purposes; (4) known vagrants and narcotic users.

"To expedite this function of the sheriffs and chiefs of police, it shall be the duty of the county attorneys of the various counties of this State where there are such officers, to pro-

vide a place in their offices and under their supervision where such persons may be fingerprinted; and such persons may be taken to said office for fingerprinting after arrest, or they may be fingerprinted by the sheriff or chief of police in their own office, but in such case one copy of said fingerprints shall be filed with said county attorney's office at the time the two copies hereinbefore mentioned are mailed to the superintendent of identification; and in all events a copy of said fingerprints and thumbprints and other data incident to the prisoner shall be filed in the office of the county attorney of the county where the fingerprinting is done, and kept there as a permanent record of the office of county attorney. In all counties of this State where there is no county attorney, this law shall be complied with by the criminal district attorney or district attorney as though they were the county attorney of said county.

"Sec. 7. All sheriffs of this State and all chiefs of police of incorporated cities and towns shall keep a complete record of all felonies coming under their jurisdiction, and shall report such at regular intervals upon blanks furnished by the Superintendent of Identification, the time for such reports to be designated by the said superintendent; and the county attorney or the criminal district attorney, as the case may be, of the county wherein said reports are made, shall be furnished with a duplicate copy of said reports, which shall be kept by him on file in his office. It shall be the duty of the county attorney or criminal district attorney at the conclusion of each term of the district court held within his county, to report the disposition of each case during said term of the Superintendent of Identification, upon forms furnished by the said superintendent.

"Sec. 8. Upon receipt of finger and thumbprints and other data as to any arrested person, the bureau shall immediately determine, if possible, whether or not the person arrested has a criminal record, or is a fugitive from justice, and shall immediately so inform the county attorney or criminal district attorney of the county where said prints originated. It shall also be the further duty of the bureau to co-operate with all peace

officers within the State of Texas, officers of the United States Government, and officers of other States who have entered into a reciprocal arrangement with the bureau, fully as to the identification records of all known criminals or others suspected of crime. The bureau shall co-operate and exchange information with other organizations either within or without this State, which said organizations deal with criminal identification.

"Sec. 9. It shall be the duty of the warden of the State penitentiary to furnish the bureau, at the request of the Superintendent of Identification finger and thumbprints, photographs, identification data, modus operandi reports and criminal records of prisoners hereinbefore, now or hereafter to be confined in the State prison, together with the sentence imposed and the period served, terms and conditions of their dismissal.

"Sec. 10. The bureau shall, whenever necessary, broadcast by mail, telephone, telegraph, radio or wireless, to peace officers interested in such information, as to criminals wanted, property stolen or recovered, or any other information such as may help in the control of crime.

"Sec. 11. The clerks of the district courts of the several counties within this State shall file with the bureau on blanks to be prepared and submitted by the Superintendent of Identification, an annual report showing the prosecution and disposition of all criminal cases within their jurisdiction. A duplicate copy of such report shall be retained by the clerk of the court with the permanent records of his office.

"Sec. 12. The Superintendent of Identification shall annually submit to the Governor a report showing in detail the activities of the bureau, the character of the work it has performed, and incorporate therein such recommendations as he may deem essential to the welfare of the bureau and the safeguarding of life and property. A duplicate copy of this report shall be filed with the Attorney General, and a further copy filed in the office of the Secretary of State.

"Sec. 13. The Superintendent of Identification shall procure for the bureau, under the direction of the State Board of Control, such stationery, filing devices, and other office

material as may be necessary for the proper conduct of its business, payment for same to be made upon presentation of claims against the bureau approved by the superintendent, in the same manner as are other claims against the State for like materials used by other State officers. The amount so expended shall be determined by the State Board of Control.

"Sec. 14. For the purposes of carrying out this Act there is hereby appropriated the sum of twenty thousand dollars (\$20,000), from the General Fund of this State, out of any sums not otherwise appropriated.

"Sec. 15. Any peace officer, sheriff or police chief who shall fail or refuse to furnish the Superintendent of Identification the fingerprints of any person arrested for a felony or a misdemeanor involving moral turpitude, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed two hundred dollars (\$200); and after the Superintendent of Identification shall have requested such copies by registered mail and shall not have received such prints requested within ten days, such officers may be removed from office upon petition of the Attorney General or any county attorney of this State, or any criminal district attorney. Each day's violation of any provision of this Act shall constitute a separate offense.

"Sec. 16. Any county attorney, or criminal district attorney of this State, who shall fail or refuse to furnish the Superintendent of Identification the data prescribed by this Act, shall be guilty of a misdemeanor and upon conviction therefor, may be punished by fine not to exceed two hundred dollars (\$200); and after the superintendent shall have requested such information by registered mail, and shall not receive such information within ten days after making such request, such county attorney, or criminal district attorney may be removed from office upon the petition of the Attorney General filed in any District Court of Travis County, Texas. Each day's violation of any provision of this Act shall constitute a separate offense.

"Sec. 17. The venue for the prosecutions under the two sections hereinbefore immediately preceding, may be either in the county of the residence of the peace officer or attorney, or in the County of Travis.

"Sec. 18. This bureau shall be maintained in connection with the office of the Adjutant General, and during the term of office, the officers thereof shall reside in Travis County, Texas.

"Sec. 19. If any section, subsection, clause or phrase of this Act is for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

"Sec. 20. The fact that there is no adequate central bureau of identification within the State of Texas, and the fact that there are large numbers of criminals within this State whose fingerprints and prior records are not available to the peace officers and prosecuting attorneys of this State, and the further fact that many persons receive suspended sentences more than once for crime committed, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three consecutive days, be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was lost.

Mr. Lemens offered the following amendment to the bill:

Amend Senate Bill No. 146, Section 12, Subdivision 4, by adding at the end of said subdivision the following:

"Provided that such additional powers and authority shall not be permitted to lessen or diminish the purposes of the State Highway Motor Patrol, nor the exercise of their duties, in the enforcement of the highway laws of Texas, except in the case of extreme emergency to be defined and ordered by the Public Safety Commission. If, and in the event of, the period of the emergency, requiring the aid of the said State Highway Motor Patrol, should exceed fifteen consecutive days, then, and in that event, the fact of said emergency shall be construed as coming within the powers of the Governor, and any further action necessary in the said emergency shall be exercised by him."

The amendment was adopted.

Mr. McConnell offered the following amendment to the bill:

Amend Senate Bill No. 146 by striking out Section 18 on page 10.

The amendment was lost.

Mr. Clayton offered the following amendment to the bill:

Amend Senate Bill No. 146, page 6, Section 12, Subsection (1), by striking out said section and inserting in lieu thereof the following:

"(1) The State Highway Motor Patrol of Texas and its personnel, property, equipment and records shall be combined with the Registration Division, together with its property, equipment and records, now parts of the Highway Department of the State of Texas, and such combined unit is hereby transferred to and placed under the jurisdiction of the Department of Public Safety, and such combined unit is hereby designated as the Texas Highway Patrol, and as such shall constitute the above-mentioned division of the Department."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

Senate Bill No. 146 was then passed by the following vote:

Yeas—99

Adamson	Graves
Adkins	Greathouse
Alexander	Hankamer
Alsup	Harris of Archer
Beck	Harris of Dallas
Bourne	Hartzog
Bradford	Head
Burton	Herzik
Butler of Brazos	Hodges
Cagle	Hofheinz
Calvert	Holland
Clayton	Hunt
Collins	Hunter
Colquitt	Hyder
Cooper	Jackson
Cowley	Jefferson
Craddock	Jones of Atascosa
Daniel	Jones of Falls
Davis	Jones of Runnels
Davison of Fisher	Jones of Shelby
Davisson	Jones of Wise
of Eastland	King
Dickison	Knetsch
Dunagan	Lanning
Dunlap of Hays	Latham
England	Lemens
Fain	Leonard
Fisher	Lindsey
Ford	Lucas
Fox	Mauritz
Frazer	McFarland
Fuchs	McKinney
Gibson	Moffett
Glass	Morris

Morrison	Settle
Morse	Shofner
Newton	Smith
Olsen	Spears
Padgett	Stanfield
Patterson	Steward
Payne	Stinson
Petsch	Tarwater
Quinn	Tennyson
Reader	Thornton
Reed of Bowie	Tillery
Reed of Dallas	Waggoner
Roach of Angelina	Wells
Roach of Hunt	Wood of Montague
Rutta	Worley
Scarborough	Youngblood

## Nays—33

Aikin	McConnell
Bergman	McKee
Bradbury	Moore
Broyles	Nicholson
Butler of Karnes	Pope
Canon	Roane
Celaya	Roark
Colson	Roberts
Farmer	Rogers
Fitzwater	Russell
Good	Stovall
Hardin	Venable
Hill	Walker
Huddleston	Westfall
James	Wood of Harrison
Lotief	Young
Luker	

## Absent

Ash	Hanna
Atchison	Hoskins
Caldwell	Howard
Crossley	Keefe
Dunlap of Kleberg	Lange
Duvall	Leath
Dwyer	Riddle
Gray	

## Absent—Excused

McCalla	Palmer
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## MOTION TO SUSPEND CERTAIN RULE

Mr. Alsup moved that that Section of the Rules, which prohibits a motion to reconsider the vote by which the House on this morning adopted House Concurrent Resolution No. 83, by Mr. Jones of Atascosa and others, providing for the suspension of certain Joint Rules to consider House Bills Nos. 89, 736, 743, 749, 755, and 785, be suspended, at this time, for the purpose of making a motion to reconsider the vote by which the Rules were suspended.

The motion was lost by the following vote:

## Yeas—22

Alsup	Fox
Beck	Glass
Bradbury	Hodges
Broyles	Hunt
Cagle	Hunter
Canon	Jones of Shelby
Colquitt	Leath
Colson	Lindsey
Daniel	Pope
Farmer	Walker
Fitzwater	Westfall

## Nays—104

Adamson	King
Adkins	Knetsch
Aikin	Lanning
Alexander	Latham
Atchison	Lemens
Bourne	Leonard
Burton	Lucas
Butler of Brazos	Luker
Butler of Karnes	Mauritz
Calvert	McConnell
Celaya	McFarland
Clayton	McKee
Collins	McKinney
Cooper	Moffett
Cowley	Moore
Craddock	Morris
Crossley	Morrison
Davis	Morse
Davisson	Newton
of Eastland	Nicholson
Dickison	Olsen
Dunagan	Padgett
Dunlap of Hays	Patterson
England	Payne
Fain	Petsch
Fisher	Quinn
Ford	Reader
Fuchs	Reed of Bowie
Gibson	Reed of Dallas
Good	Roach of Angelina
Graves	Roach of Hunt
Gray	Roane
Greathouse	Roark
Hankamer	Roberts
Hanna	Rogers
Harris of Archer	Russell
Harris of Dallas	Rutta
Head	Scarborough
Herzik	Settle
Hill	Shofner
Hofheinz	Smith
Hoskins	Stanfield
Howard	Steward
Huddleston	Stinson
Hyder	Stovall
Jackson	Tarwater
James	Tennyson
Jones of Atascosa	Thornton
Jones of Wise	Venable

Waggoner	Worley
Wells	Young
Wood of Harrison	Youngblood
Wood of Montague	

## Absent

Ash	Holland
Bergman	Jefferson
Bradford	Jones of Falls
Caldwell	Jones of Runnels
Davison of Fisher	Keefe
Dunlap of Kleberg	Lange
Duvall	Lotief
Dwyer	Riddle
Frazer	Spears
Hardin	Tillery
Hartzog	

## Absent—Excused

McCalla	Palmer
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## BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

S. B. No. 26, "An Act to amend Articles 1847 and 1848, Chapter 3, Title 39 of the Revised Statutes of 1925, as amended by Chapter 64, page 98, of the Acts of the Regular Session of the Forty-second Legislature, so as to provide for the filing of records in the order received in the Court of Civil Appeals, and for setting of cases for submission in said court and for notice thereof to the parties of the receipt of the record and instruments by the clerk and the date set for submission, and so as to provide for time for filing briefs in the Court of Civil Appeals, and authorizing the granting of further time for filing briefs in said court, and for extension of time for submission of cases in said court, and repealing Article 2283 of the Revised Statutes of 1925, and repealing all laws in conflict with this Act, and declaring an emergency."

S. B. No. 135, "An Act amending Chapter 18, Acts of the Forty-third Legislature, Second Called Session, page 54 (Article 3886-b), providing for the maximum compensation of assistant county attorneys and other employes of the county attorney in all counties in the State having a population of one hundred thousand and one (100,001) inhabitants and not more than one hundred and fifty thousand (150,000) inhabitants and containing

two cities of fifty thousand (50,000) population or more each, according to the last Federal Census of 1930; providing for the compensation of assistant county attorneys and other employes of the county attorneys in such counties; repealing all laws and parts of laws in conflict herewith; providing that this Act shall become effective from and after its passage, and declaring an emergency."

## SENATE BILL NO. 10 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 10, A bill to be entitled "An Act defining and regulating the practice of dentistry in the State of Texas; providing for the creation of the State Board of Dental Examiners, and declaring an emergency."

The bill was read second time.

Mr. Petsch offered the following committee amendment to the bill:

Amend Senate Bill No. 10 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. Article 4543 of the Revised Civil Statutes of 1925 is hereby amended so that the same shall hereafter read as follows:

"Article 4543. The State Board of Dental Examiners shall consist of six reputable, practicing dentists who have resided in the State of Texas and have been actively engaged in the practice of dentistry for five years next preceding their appointment, none of whom shall be members of the faculty of any dental college or of the dental department of any medical college or shall have any financial interest in any such college. The term of office of each member of said board shall be six years, except that as to the first board appointed hereunder two of its members shall serve for a term of two years, two of its members for a term of four years, and two of its members for a term of six years, the respective terms of the first members so appointed to be designated by the Governor in appointing them. Within thirty (30) days after this Act becomes effective the six members of said board shall be appointed by the Governor of the State; two to serve for two years, two for four years, and two for six years, or until their successors shall



be appointed and qualify. Thereafter, at the expiration of the term of each member first appointed, his successor shall be appointed by the Governor of the State and he shall serve for a term of six years or until his successor shall be appointed and qualify. The present members of the State Board of Dental Examiners shall remain in office and perform their duties until the new members of the State Board of Dental Examiners provided for in this Act shall have been appointed by the Governor of the State and shall have qualified. Before entering upon the duties of his office each member of the board shall take the constitutional oath of office, same to be filed with the Secretary of State. At its first meeting the board shall organize by electing one member president and one secretary, chosen to serve one year. Said board shall hold regular meetings at least twice a year at such times and places as the board shall deem most convenient for applicants for examination. Due notice of such meetings shall be given by publication in such papers as may be selected by the board. The board may prescribe rules and regulations, in harmony with the provisions of this title governing its own proceedings and the examinations of such applicants for the practice of dentistry.

"Sec. 2. Article 4544 of the Revised Civil Statutes of 1925 is hereby amended so that the same shall hereafter read as follows:

"Article 4544. It shall be the duty of the board to examine all applicants for license to practice dentistry in this State; and the board shall examine and grade all papers submitted by such applicants and report to such applicants within thirty days from the date of any meeting of said board, and said report shall give to each applicant the grades made by said applicant upon each and every subject upon which he or she was examined by said board. Each person applying for examination shall pay to said board a fee of twenty-five dollars (\$25), and upon passing a satisfactory examination before said board on subjects pertaining to dentistry, shall be granted a license to practice dentistry in this State.

"The subjects one must be examined in are: General anatomy, histology and dental anatomy, chemistry, metallurgy and physics, ethics and jurisprudence and hygiene, pros-

thetics, materia medica and therapeutics, operative dentistry, pathology and bacteriology, oral surgery and radiology, orthodontia and periodontia, physiology, anaesthesia, diagnosis and differential diagnosis, amalgam filling, gold filling, prophylaxis or extraction, set-up, bridge, and handling patients; provided further, that the board may examine junior students who have completed all requirements of the freshman and sophomore years of a reputable dental college in the subjects covered in those years and shall be authorized, if they comply with all of the board's requirements, to give them credit on license requirements, subject to further and complete examination, and may charge a fee of fifteen dollars (\$15) for such examination of junior students; provided, there shall be only one such examination of each junior applicant, and that he shall pay an additional fee of fifteen dollars (\$15) upon his final examination.

"Sec. 3. Chapter 9, Title 71, of the Revised Civil Statutes of 1925 is hereby amended by adding thereto, immediately after Article 4544, as amended hereby, a new article, to be entitled Article 4544-a, and to read as follows:

"Article 4544-a. The State Board of Dental Examiners is charged with the duty of aiding in the enforcement of the statutes of this State regulating the practice of dentistry and any member of said board may present to a prosecuting officer complaints relating to violations of such statutes; and said board, through its members, officers, counsel and agents may assist in the trial of any cases involving alleged violations of said statutes subject to the control of the prosecuting officers.

"Sec. 4. Article 4545 of the Revised Civil Statutes of 1925 is hereby amended so that the same shall hereafter read as follows:

"Article 4545. Each applicant for a license to practice dentistry in this State shall be not less than twenty-one years of age and shall present a diploma from a reputable dental college and evidence of good moral character. A dental college shall be held reputable whose entrance requirements and course of instruction are as high as those adopted by the better class of dental colleges of the United States and whose course of instruction shall be the equivalent of not less than four terms of eight months each.

"Article 4545-a. Reciprocal Arrangements. The State Board of Dental Examiners may, in the discretion of the Board in each instance, upon payment by the applicant for registration of a fee of fifty dollars (\$50), grant license to practice dentistry to any reputable dentist who is a graduate of a reputable dental college or who has qualified on examination for the certificate of dental qualification for a commission as a dentist in the Medical Corps of the United States Army or Navy, and to licentiates of other States or territories having requirements for dental registration and practice equal to those established by this law. Applications for license under the provisions of this article shall be in writing and upon a form to be prescribed by the State Board of Dental Examiners. Said application shall be accompanied with a diploma or a photograph thereof, awarded to the applicant by a reputable dental college, or a certified transcript of the certificate or license or commission issued to the applicant by the Medical Corps of the United States Army or Navy, or by a license or a certified copy of license to practice dentistry, lawfully issued to the applicant by some other State or territory; and also be accompanied by an affidavit from an executive officer of the Medical Corps of the United States Army or Navy, the president or secretary of the Board of Dental Examiners who issued the said license, or by a legally constituted dental registration officer of the State or territory in which the certificate or license was granted upon which the application for dental registration in Texas is based. Said affidavit shall recite that the accompanying certificate or license has not been canceled or revoked except by honorable discharge by the Dental Corps of the United States Army or Navy, and that the statement of qualifications made in the application for dental registration in Texas is true and correct. Applications for license under the provisions of this article shall subscribe to an oath in writing which shall be a part of said application, stating that the license, certificate, or authority under which the applicant practiced dentistry in the State or territory from which the applicant removed was at the time of such removal in full force and not suspended or canceled; that the applicant is the

identical person to whom the said certificate, license, or commission and the said dental diploma were issued, and that no proceeding was pending at the time of such removal, or is at the present time pending against the applicant for the cancellation of such certificate, license, or authority to practice dentistry in the State or territory in which the same was issued, and that no prosecution was then, or is at the time of the application pending against the applicant in any State or Federal court for any offense which, under the law of Texas, is a felony.

"Sec. 5. Article 4546 of Revised Civil Statutes of 1925 is hereby amended so that the same shall hereafter read as follows:

"Article 4546. Every person to whom a license is issued by the State Board of Dental Examiners shall, before beginning the practice of dentistry at any place in this State, present the same to the county clerk of the county in which he resides and offers to practice, and to the county clerk of each and every other county in which he may practice or offer to practice; said county clerk shall record said license in a book provided for the purpose and receive fifty (50) cents therefor. Absence of the record of such license in any place where such license is hereby required to be recorded shall be prima facie evidence in any court of this State of the want of possession of such license.

"Sec. 6. Article 4549 of the Revised Civil Statutes of 1925 is hereby amended so that the same shall hereafter read as follows:

"Article 4549. The State Board of Dental Examiners shall have authority to refuse to examine any person or refuse to issue a license to any person for any one or more of the following causes:

"a. Proof of presentation to the Board of any dishonest or fake evidence of qualification or being guilty of any illegality, fraud or deception in the process of examination or for the purpose of securing a license.

"b. Proof of chronic or habitual intoxication or addiction to drugs on the part of the applicant.

"c. Proof that the applicant has been guilty of dishonest or illegal practices in or connected with the practice of dentistry.

"The State Board of Dental Examiners shall have authority to suspend or revoke a dental license for any one or more of the following causes:

"a. Proof of insanity of the applicant or holder of a license as adjudged by the regularly constituted authorities.

"b. Proof of conviction of the applicant or holder of a license for a felony involving moral turpitude.

"The district courts of the State shall have the authority, after a proper hearing, to revoke or suspend any dental license issued in the State of Texas for any one or more of the following causes:

"1. That the holder thereof has been guilty of dishonorable conduct, malpractice or gross incompetency in the practice of dentistry.

"2. That the holder thereof has been guilty of any deception or misrepresentation for the purpose of soliciting or obtaining patronage.

"3. That the holder thereof procured a license through fraud or misrepresentation.

"4. That the holder thereof is addicted to habitual intoxication or the use of drugs.

"5. That the holder thereof employs or permits or has employed or permitted persons to practice dentistry in the office or offices under his control or management who were not licensed to practice dentistry.

"6. That the holder thereof has failed to use proper diligence in the conduct of his practice to safeguard his patients against avoidable infections.

"7. That the holder thereof has failed or refused to comply with any of the provisions of this Act.

"Proceedings to suspend or revoke a dental license on account of any one or more of the causes set forth in the preceding article shall be taken as follows:

"a. Where the cause involves a criminal conviction or a conviction of insanity in some court of competent jurisdiction the receipt by the Board of a certified copy of the records of the court of conviction showing a final conviction shall be sufficient evidence to justify and require such revocation by the State Board of Dental Examiners.

"b. Where the suspension or revocation is based upon any other cause set forth in Article 4549, the

proceedings shall be before a district court of the State or the county in which the alleged offense occurred by complaint to the court and it shall be the duty of the several district and county attorneys of the State to file and prosecute appropriate judicial proceedings in the name of the State on the request of any member of the State Board of Dental Examiners, and/or when complaint is made to the court by any county or district attorney as herein provided, said court shall order the accused dentist to show cause why his license shall not be suspended or revoked. Such complaint shall be made in writing. The charge and the grounds thereof shall be set out distinctly and the same shall be subscribed and sworn to by the prosecutor and filed with the clerk of the court. Citation thereon shall be issued in the name of the State of Texas and in manner and form as in other cases and the same shall be served upon the defendant at least ten days before the trial date set therein. Upon the return of said citation executed, if the defendant shall appear and deny the charge, the cause shall be docketed for trial and conducted in the name of the State of Texas against the defendant. A jury of twelve men shall be summoned as in cases during term time of the court when no regular jury is available and as prescribed by law and shall be impaneled unless waived by the defendant, and the cause shall be tried in like manner as in other civil cases. If the said accused dentist be found guilty or shall fail to appear and deny the charge after being cited as aforesaid, the court may by proper order entered on the minutes, suspend his license for a time or revoke and cancel it entirely and may also give proper judgment for costs.

"Sec. 7. Provided further that it shall be unlawful for any dentist, as defined in this Act, in the practice of dentistry to make any oral or other misrepresentation, or false or misleading statement to any patient or prospective patient within the office of such dentist or out of it; and, provided further that each dental office shall have posted at or near the entrance thereof, the name, the degree or degrees and the school or schools attended of each dentist who is practicing or offering to practice said profession in said office.

"Sec. 8. Chapter 9, Title 71, of the Revised Civil Statutes of 1925 is

hereby amended so as to add, immediately after Article 4550, a new article to be entitled Article 4550-a and to read as follows:

"Article 4550-a. (1) It shall be the duty of all persons now lawfully qualified and engaged in the practice of dentistry in this State, or who shall hereafter be licensed for such practice by the State Board of Dental Examiners, to be registered as such practitioners with the State Board of Dental Examiners within sixty (60) days after the effective date of this chapter, and thereafter to register in like manner annually on or before the first day of January of each year beginning the first day of January, 1936. Each person so registering shall pay in connection with such annual registration for the receipt hereinafter provided for a fee of two dollars (\$2), such payment to be made to said State Board of Dental Examiners. Every person so registering shall file with said board a written application setting forth his name, his post office address, the county or counties in which his certificate to practice dentistry has been registered and the place or places where he is engaged in practicing dentistry and the number and date of his license certificate. Upon receipt of such application, accompanied by such fee, said board, after ascertaining either from its records or other sources deemed by it to be reliable, that the applicant is a duly licensed practitioner of dentistry in this State, shall issue to the applicant an annual registration receipt certifying that he has filed such application and has paid the required fee; provided, that the filing of such application, the payment of such fee and the issuance of such receipt therefor shall not entitle the holder thereof to lawfully practice dentistry within the State of Texas unless he has in fact been previously licensed as such practitioner by the State Board of Dental Examiners, as provided by this law, and has duly recorded his license in the county or counties in which the same may be required by law to be recorded and unless said license is in full force and effect; and provided further, that in any prosecution for the unlawful practice of dentistry such receipt showing payment of the annual registration fee required by this chapter, shall not be treated as evidence that the holder thereof is lawfully entitled to practice dentistry.

"(2) If any person required to register as a practitioner of dentistry under the provisions hereof shall fail or refuse to apply for such registration and pay such fee within sixty days after the time when such registration and such payment are required to be made under the provisions hereof, as hereinabove set forth, his license to practice dentistry previously issued to him shall thereafter stand suspended so that for thereafter practicing dentistry he shall be subject to the penalties imposed by law upon any person unlawfully practicing dentistry in this State; provided that such license shall be reinstated at any time upon written application of the holder made to said board accompanied by the payment of the annual registration fees in arrears and an additional fee of five dollars (\$5).

"(3) All annual registration fees collected by the State Board of Dental Examiners under this Act shall be placed in the State Treasury, to the credit of a special fund to be known as the 'Dental Registration Fund,' and all of the current revenues to be derived and placed to the credit of said fund during the two years ending August 31, 1937, are hereby appropriated and shall be used by the State Board of Dental Examiners, and under its direction, in the enforcement of the laws of this State prohibiting the unlawful practice of dentistry, and in the dissemination of information to prevent the violation of such laws. The State Board of Dental Examiners shall be authorized to employ and to compensate from such special fund employees and such other persons as may be found necessary to assist the local prosecuting officers of any county in the enforcement of all laws of the State prohibiting the unlawful practice of dentistry, and to carry out the other purposes for which said fund is hereby appropriated. Provided that all such prosecutions shall be subject to the direction and control of the regularly and duly constituted prosecuting officers, and nothing in this Act shall be construed as depriving them of any authority vested in them by law.

"To aid the board in performing the duties prescribed in this section the board is hereby authorized to employ a secretary, who shall receive a salary to be fixed by the board, and who shall make and file a surety bond in a sum not less than five thousand dollars (\$5,000) conditioned for the

faithful performance of all the duties of his office and the safekeeping and proper disbursement of said 'Dental Registration Fund' and all other funds coming into his hands; such salary shall be paid out of said 'Dental Registration Fund' and shall not be in any way a charge upon the General Revenue of the State. Said board shall employ and provide such clerks and employes as may be needed to assist the secretary in performing his duties and in carrying out the purposes of this Act, provided that their compensation shall be paid only out of the said 'Dental Registration Fund.' All disbursements from said 'Dental Registration Fund' shall be made only upon the written approval of the president and secretary of said board and upon warrants drawn by the Comptroller to be paid out of said fund.

"Sec. 9. Article 4551 of the Revised Civil Statutes of 1925 is hereby amended so that the same shall hereafter read as follows:

"Article 4551. Each member of the State Board of Dental Examiners shall receive for his services ten dollars (\$10) per day for each day he is actually engaged in the duties of his office, together with all legitimate expenses incurred in the performance of such duties. All per diem and expenses accruing hereunder shall be paid from moneys received by said board from applicants for examination and from the 'Dental Registration Fund' as provided in this law; no money shall ever be paid to any member of the Board from the General Fund.

"Sec. 10. Chapter 9, Title 71, of the Revised Civil Statutes of 1925, is hereby amended so as to add thereto, immediately after Article 4551, a new article to be entitled Article 4551-a, and reading as follows:

"Article 4551-a. Any person shall be regarded as practicing dentistry within the meaning of this chapter:

"1. Who publicly professes to be a dentist or dental surgeon or who represents himself as being able to diagnose, treat, remove stains or concretions from teeth, operate or prescribe for any disease, pain, injury, deficiency, deformity or physical condition of the human teeth, alveolar process, gums, or jaws.

"2. Who shall offer or undertake, by any means or methods whatsoever, to diagnose, treat, remove stains or

concretions from teeth, or shall treat, operate or prescribe, by any means or method, for any disease, pain, injury, deficiency, deformity or physical condition of the human teeth, alveolar process, gums or jaws and charge therefor, directly or indirectly, money or other compensation.

"3. Any one who owns, maintains or operates any office or place of business where he employs or engages, under any kind of contract whatsoever, any other person or persons to practice dentistry as above defined, shall be deemed to be practicing dentistry himself, and shall himself be required to be duly licensed to practice dentistry as hereinabove defined, and shall be subject to all of the other provisions of this chapter, even though the person or persons so employed or engaged by him shall be duly licensed to practice dentistry as hereinabove defined.

"Sec. 11. The definition of dentistry as contained in this Act shall not apply to physicians and surgeons legally authorized to practice medicine as defined by the law of this State.

"Sec. 12. The actual practice of dentistry in violation of the laws of this State shall be enjoined at the suit of the State, but such suit for injunction shall not be entertained in advance of the previous final conviction in a criminal proceeding of the party sought to be enjoined. In such suits for injunction it shall not be necessary to show that any person is personally injured by the acts complained of. Any person who may be or is about to be, so unlawfully practicing dentistry in this State may be made a party defendant in said suit, which must be filed in the county in which defendant is practicing or threatening to practice dentistry. The Attorney General, the district attorney of the district or the county attorney of the county in which the unlawful acts complained of are taking place shall have the authority and it shall be their duty, and the duty of each of them, to file such suits and to represent the State therein. No injunction, either temporary or permanent, shall be granted by any court in such a suit except after final trial on the merits. If on final trial it be shown that the defendant has been unlawfully practicing dentistry or is about to practice dentistry unlawfully the court shall, by injunction, perpetually enjoin the defendant from prac-

ting or continuing the practice of dentistry in violation of law; and disobedience of said injunction shall subject the defendant to the penalties provided by law for violation of an injunction. The procedure in such cases shall be the same in any other injunction suit as nearly as may be. The remedy by injunction given hereby shall be in addition to criminal prosecution and cumulative of all other remedies provided for the prevention of the unlawful practice of dentistry. Such causes shall be advanced for trial on the docket of the trial court and shall be advanced and tried in the appellate courts in the same manner and under the same laws and regulations as are applicable to other suits for injunction.

"Sec. 13. Article 747 of the Penal Code of 1925 is hereby amended so that the same shall hereafter read as follows:

"Article 747. It shall be unlawful for any person to practice, or offer to practice, dentistry in this State or hold himself out as practicing dentistry in this State without first having obtained a license from the State Board of Dental Examiners. Said license must be signed by all members of the Board and shall have a small photograph of the licensee attached thereon which must be partially covered by the official seal of the Board.

"Sec. 14. Article 749 of the Penal Code of 1925 is hereby amended so that the same shall hereafter read as follows:

"Article 749. Every person to whom a license is issued by the State Board of Dental Examiners shall, before beginning the practice of dentistry at any place in this State, present the same to the county clerk of the county in which he resides and offers to practice, and to the county clerk of each and every county in which he may practice or offer to practice; said county clerk shall record said license in a book provided for that purpose and receive fifty (50) cents therefor. Absence of the record of such license in any place where such license is required to be recorded shall be prima facie evidence in any court of this State of the want of possession of such license.

"Sec. 15. Article 752 of the Penal Code of 1925 is hereby amended so that the same shall hereafter read as follows:

"Article 752. It shall be unlawful for any person or persons to practice dentistry in this State under the name of a corporation, company, association or trade name; or under any name except his own proper name, which shall be the name used in his license as issued by the State Board of Dental Examiners. It shall be unlawful for any person or persons to operate, manage, or be employed in any room, rooms, office, or offices where dental service is rendered or contracted for under the name of a corporation, company, association, or trade name; provided, however, this shall not prevent two or more legally qualified dentists from practicing dentistry in the same offices as a firm, partnership, or as associates in their own names as stated in the licenses issued to them, nor shall this prevent any legally qualified and licensed dentist or dentists from owning, managing, or operating dental offices operated in their own name or names in which legally qualified or licensed dentists engage in the practice of dentistry. Each day of violation of this article shall constitute a separate offense.

"Sec. 16. Chapter 7, Title 12, of the Penal Code of 1925, is hereby amended so as to add thereto, immediately after Article 752, a new article to be entitled Article 752-a and reading as follows:

"Article 752-a. It shall be unlawful for any person, firm, or corporation to publish, directly or indirectly, or circulate any fraudulent, false or misleading statements as to the skill or method of practicing dentistry of any person through the means of letters, bills, posters, circulars, cards, stereopticon slides, motion pictures, radios, newspapers, or other advertising agencies or devices; or in any way or manner whatsoever to fraudulently advertise that a given person is able to practice dentistry or render dental service without causing pain; or to fraudulently advertise in any manner or way that will tend to deceive the public, or to fraudulently claim superiority over other dental practitioners; or to publish or circulate fraudulent reports of cases or fraudulent statements of patients in any newspaper or to circulate same in any other way whatsoever; or to fraudulently advertise that he is using any anesthetic, drug, formula, medicine, method or system which is either falsely advertised or mis-

branded, or to fraudulently advertise willingness to render free dental services or examinations; or to fraudulently advertise the prices or fees that any such person or persons is or are willing or proposes or propose to charge for service or services in the practice of dentistry; or to fraudulently employ any person or persons to obtain or solicit patronage; or to fraudulently exhibit or use specimens of dental work, posters or any other advertising means directing the attention of the public to any such person or persons engaged in the practice of dentistry; or to fraudulently give a public demonstration of skill or methods of practicing dentistry for the purpose of securing patronage; provided that any duly licensed practitioner of dentistry may publicly announce by way of newspaper or professional card that he is engaged in the practice of dentistry, giving the kinds or classes of work that he does and his name, degree, office location, office hours, telephone numbers and residence address; and if he limits his practice to a specialty he may state same.

"Sec. 17. Article 754 of the Penal Code of 1925 is hereby amended so that the same shall hereafter read as follows:

"Article 754. Any person who shall violate any provision of this chapter shall be fined not less than fifty dollars (\$50) nor more than three hundred dollars (\$300) or be confined in jail from one to six months or both. Each day of such violation shall be a separate offense.

"Sec. 18. Chapter 7, Title 12 of the Penal Code of 1925, is hereby amended so as to add thereto, immediately after Article 754, a new article to be entitled Article 754-a and reading as follows:

"Article 754-a. Any person shall be regarded as practicing dentistry within the meaning of this chapter:

"1. Who publicly professes to be a dentist or dental surgeon or who represents himself as being able to diagnose, treat, remove stains or concretions from teeth, operate, or prescribe for any disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, alveolar process, gums or jaws.

"2. Who shall offer or undertake, by any means or methods whatsoever, to diagnose, treat, remove stains, or concretions from teeth, or shall treat,

operate, or prescribe, by any means or method for any disease, pain, injury, deficiency, deformity, or physical condition of the human teeth, alveolar process, gums, or jaws, and charge therefor, directly or indirectly, money or other compensation.

"3. Any one who owns, maintains, or operates any office or place of business where he employs or engages, under any kind of contract whatsoever, any other person or persons to practice dentistry as above defined, shall be deemed to be practicing dentistry himself, and shall himself be required to be duly licensed to practice dentistry as hereinabove defined, and shall be subject to all of the other provisions of this chapter, even though the person or persons so employed or engaged by him shall be duly licensed to practice dentistry as hereinabove defined.

"Sec. 19. If any article, section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional.

"Sec. 20. The fact that the present law regulating the practice of dentistry is inadequate to protect the public health and that new legislation better protecting the public health is needed creates an imperative public necessity that the constitutional rule, requiring all bills to be read on three several days in each house, be, and the same is hereby, suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

Mr. Spears offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 10 by striking out the semicolon after the word "patronage" on line 13, page 27, and inserting a period. Also by striking out the following language, beginning with the word "provided," on page 27, line 13, and ending with the word "same," on line 19, page 27.

(Mr. Latham in the Chair.)

Mr. Cooper offered the following substitute for the amendment by Mr. Spears:

Amend committee amendment to Senate Bill No. 10 by striking out all of Section 16, on pages 26 and 27.

COOPER,  
ROBERTS,  
PADGETT.

Question—Shall the substitute amendment by Mr. Cooper be adopted?

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, April 17, 1935.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 83, Suspending Joint Rules 23, 24, and 32 to allow the consideration and final disposition of House Bills Nos. 89, 736, 743, 749, 755, and 785.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### HOUSE BILL NO. 89 ON SECOND READING

Mr. Jones of Atascosa moved that the House proceed in accordance with the provisions of House Concurrent Resolution No. 83, to the consideration of House Bill No. 89, and moved that the regular order of business, and that section of the House Rules which prohibits the taking up of the bill at this time, be suspended, for the purpose of considering House Bill No. 89.

Mr. McConnell and Mr. Farmer raised a point of order on further consideration of the motion at this time, on the ground that House Concurrent Resolution No. 83 is not yet in effect, as same has not been signed by the Governor.

The Chair overruled the point of order.

Mr. Alsup raised the point of order on further consideration of the motion by Mr. Jones of Atascosa, on the ground that Senate Bill No. 10 is now pending business in the House, and that the Rule has not been suspended to displace same.

The Chair overruled the point of order.

Question recurring on the motion by Mr. Jones of Atascosa, yeas and nays were demanded.

The motion prevailed by the following vote:

#### Yeas—99

Adamson	Jones of Shelby
Adkins	King
Aikin	Knetsch
Atchison	Leath
Beck	Lemens
Bourne	Leonard
Bradbury	Lindsey
Bradford	Lotief
Broyles	Lucas
Burton	Luker
Butler of Brazos	Mauritz
Caldwell	McConnell
Canon	McFarland
Collins	McKinney
Cooper	Moffett
Cowley	Moore
Craddock	Morrison
Crossley	Morse
Davison of Fisher	Newton
Davisson	Nicholson
of Eastland	Padgett
Dickison	Payne
Dunagan	Petsch
Dunlap of Hays	Quinn
Duvall	Reed of Bowie
England	Roach of Hunt
Fain	Roane
Fisher	Roberts
Fitzwater	Rogers
Ford	Russell
Frazer	Rutta
Fuchs	Settle
Glass	Shofner
Good	Smith
Gray	Spears
Hankamer	Stanfield
Harris of Archer	Steward
Hartzog	Stovall
Head	Tennyson
Herzik	Thornton
Hill	Tillery
Hodges	Venable
Holland	Waggoner
Hoskins	Walker
Hunter	Wells
Hyder	Wood of Harrison
Jackson	Wood of Montague
James	Worley
Jones of Atascosa	Young
Jones of Runnels	Youngblood

#### Nays—31

Alsup	Daniel
Bergman	Davis
Butler of Karnes	Dunlap of Kleberg
Cagle	Farmer
Calvert	Fox
Colson	Gibson



Greathouse	McKee
Hanna	Morris
Hardin	Pope
Harris of Dallas	Reed of Dallas
Hofheinz	Roach of Angelina
Huddleston	Roark
Jones of Falls	Scarborough
Jones of Wise	Stinson
Keefe	Westfall
Lanning	

Present—Not Voting

Colquitt

Absent

Alexander	Jefferson
Ash	Lange
Celaya	Latham
Clayton	Olsen
Dwyer	Patterson
Graves	Reader
Howard	Riddle
Hunt	Tarwater

Absent—Excused

McCalla Palmer

The Chair then laid before the House, on its second reading and passage to engrossment,

H. B. No. 89, A bill to be entitled "An Act amending Subsections (2) and (4) of Section 1; repealing Subsection (3) of Section 2; amending Subsection (2) of Section 2; amending Section 3; amending Section 5; and amending Sections 8 and 9, of House Bill No. 154, Chapter 162, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 12, House Bill No. 55, Acts of the First Called Session of the Forty-third Legislature, and declaring an emergency."

The bill was read second time.

Mr. Wells offered the following committee amendment to the bill:

Amend House Bill No. 89 by striking out all below the enacting clause and by substituting in lieu thereof the following:

Section 1. That Section 1 of Chapter 162, House Bill No. 154, Acts of the Forty-third Legislature, Regular Session, referred to herein as Chapter 162, is hereby amended so as to hereafter read as follows:

"Section 1. (1) For the purpose of this Act, 'producer' shall mean any person owning, controlling, managing or leasing any oil well and/or any person who produces in any manner any oil by taking it from the earth or waters in this State, and shall in-

clude any person owning any royalty or other interest in any oil or its value whether produced by him, or by some other person on his behalf, either by lease, contract, or otherwise.

"(2) 'First purchaser' shall mean any person purchasing crude oil from the producer.

"(3) 'Subsequent purchaser' shall mean any person operating any reclamation plant, topping plant, treating plant, refinery, and/or any kind or character of processing plant, or any one who purchases oil for any purpose whatsoever, when said oil is purchased from any person other than the producer.

"(4) 'Carrier' shall mean the owner, operator, or manager of any means of transporting oil or any instrumentality that may now be used or come into use.

"(5) 'Oil' shall mean crude oil, or other oil taken from the earth, regardless of gravity of the oil.

"(6) 'Report' shall mean any report required to be furnished in this Act or that may be required by the Comptroller in the administration of this Act.

"(7) 'Person' shall include any person, firm, concern, receiver, trustee, executor, administrator, agent, institution, association, partnership, company, corporation, and persons acting under declaration of trust as well as the trustees acting under such declarations of trust.

"(8) 'Production' or 'total oil produced' shall mean the total gross amount of oil produced, including all royalty or other interest; that is, the amount for the purpose of the tax imposed by this article shall be measured or determined by tank tables compiled to show one hundred per cent (100%) of the full capacity of tanks without deductions for overage or losses in handling. Allowance for any reasonable and bona fide deductions for basic sediment and water, and for correction of temperature to sixty (60) degrees Fahrenheit will be allowed. If the amount of oil produced has been measured as determined by tank tables compiled to show less than one hundred per cent (100%) of the full capacity of tanks, then such amount shall be raised to a basis of one hundred per cent (100%) for the purpose of the tax imposed by this article.

"(9) 'Royalty owners' shall mean and include all persons owning any

mineral rights under any producing leasehold within this State, other than the working interest, which working interest is that of the person having the management and operation of the well.

"(10) 'Comptroller' shall mean Comptroller of Public Accounts of the State of Texas.

"(11) 'Commission' shall mean the Railroad Commission of Texas.

"(12) The tax herein imposed on the producing of crude petroleum shall be the primary liability of the producer as hereinbefore defined, and every person purchasing crude petroleum from the producer thereof and taking delivery thereof at the premises where produced shall collect said tax imposed by this Act from the producer. Every purchaser, including the first purchaser and the subsequent purchaser, required to collect any tax under this Act, shall make such collection by deducting and withholding the amount of such tax from any payments made by such purchaser to the producer, and remit same as herein provided; provided, however, that if any person interested with the producer is the State of Texas, the United States, or any branch or political subdivision thereof, including the University of Texas, no such tax on such money interest or royalty interest shall be deducted, but said interest and or the revenue therefrom shall be paid to the proper officer. Every such purchaser required to pay said tax is hereby indemnified against the claims and demands of such producer for the amount of any payments made, in accordance with the provisions of this Act.

"(13) When it shall appear that a taxpayer to whom the provisions of this Act shall apply has erroneously paid more taxes than were due during any tax-paying period, either on the account of a mistake of fact or law, it shall be the duty of the State Comptroller to credit the total amount of taxes due by such taxpayer for the current period with the total amount of taxes so erroneously paid.

"(14) The tax hereby levied shall be a liability upon the producer, the first purchaser, and or subsequent purchaser or purchasers as herein provided.

"(15) The tax hereby levied shall be paid by the first purchaser purchasing the same from the producer, who shall deduct the same from the

amount paid producer, as aforesaid, provided, however, that the failure of first purchaser to pay said tax shall not relieve the producer from the payment of same, nor shall it relieve any subsequent purchaser from the payment of same, where the first purchaser does not account for and pay said tax, and the State shall have a lien on all of the oil produced in Texas in the hands of the producer, the first purchaser, and any subsequent purchaser to secure the payment of the tax due, and it shall be the duty of every person purchasing oil produced in Texas to satisfy himself or itself that the tax on said oil has been or will be paid by the persons primarily liable therefor.

"(16) If the oil produced by said producer is not sold during the month in which it is produced, then said producer shall pay the tax at the same rate and in the same manner as if said oil were sold during said month. In such case, however, the working interest operator may pay such tax and deduct it from the interest of the other interest holders."

Sec. 2. Section 3 of said Chapter 162, as amended by House Bill No. 55, Chapter 12, Acts of the First Called Session of the Forty-third Legislature, be, and the same is hereby, amended so as to hereafter read as follows:

"Section 3. (1) A complete record shall be kept by every producer of oil within this State, said records to show the county or counties in which said producer operates, the correct name or names of the lease or leases from which oil is produced, the total number of barrels of oil produced from each lease, the correct name and address of the first purchaser, the total number of barrels of oil sold or delivered to each first purchaser and the price received therefor. And in addition shall keep a record of all oil used on the lease from which said oil is produced or which may be refined or processed in any manner by the producer upon the lease from which said oil is produced; and if said oil is not sold, the location of storage and the total number of barrels in storage, if owned by such operator, or if stored with a pipe line or a refinery, the correct name and address of such pipe line or refinery.

"(2) Every producer shall file monthly on the twenty-fifth day of each month with the Comptroller un-

der oath of the producer or his duly authorized agent a report showing the total number of barrels of oil produced by said producer during the month preceding the date of the report, the county in which the oil is produced, the correct name of the lease from which the oil is produced, the correct name and address of the first purchaser of said oil and the price received therefor, and such other information as Comptroller may require; said records and reports shall be open to the inspection of the Comptroller or the Attorney General or the duly authorized agents of the Comptroller or Attorney General.

"(3) Every first purchaser shall keep in Texas records showing the correct name and address of the producer from whom said first purchaser buys oil, the county in which said oil is produced, the true and correct name of the lease from which said oil is produced, the total number of barrels bought, and the price paid therefor; and in addition shall keep a record showing the total number of barrels of said oil so purchased and used, refined, or processed in any manner by said first purchaser and the total number of barrels of oil sold by him, the price received therefor, and the true and correct name and address of the subsequent purchaser of said oil. On the twenty-fifth day of each month each and every first purchaser of oil shall file with the Comptroller, under oath of the first purchaser or his duly authorized agent, a report showing the total number of barrels of oil purchased during the preceding month, the price paid therefor, the correct name and address of the producer or producers from whom said oil was purchased, the county in which the oil was produced, and the correct name of the lease from which said oil was produced, and such other information as Comptroller may require; said records and reports shall be open to the inspection of the Comptroller and/or Attorney General or their duly authorized agents.

"(4) Each and every subsequent purchaser, shall keep in Texas a record showing the correct name and address of each first purchaser or subsequent purchaser from whom any oil is bought, the total number of barrels purchased and the price paid therefor, the date of purchase, the disposition of said oil, the total number of barrels used, refined, or processed in any manner by said subse-

quent purchaser, and if sold shall show the correct name and address of the subsequent purchaser to whom said oil is sold or delivered and the date of said sale and/or delivery, and the price received therefor.

"(5) Each and every subsequent purchaser shall file with the Comptroller on the twenty-fifth day of each month a report under oath of the subsequent purchaser or a duly authorized agent showing the correct name and address of the person from whom said subsequent purchaser has bought oil during the preceding month, the total number of barrels purchased, the price paid therefor, and the disposition of said oil; said reports to show the total number of barrels of oil used, refined, or processed in any manner by said subsequent purchaser, and the correct name and address of any subsequent purchaser to whom said oil was sold and the number of barrels sold, and the price received therefor; said records and reports shall be open to the inspection of the Comptroller or the Attorney General or the duly authorized agents of the Comptroller or Attorney General.

"(6) Royalty owners shall only keep a record of all moneys received as royalty from any producing leasehold within this State. They shall also keep a copy of all settlement sheets furnished them by the purchaser or operator or any other statement showing the number of barrels of oil from which royalty was received and the amount of tax deducted; said records shall be open to the inspection of the Comptroller or the Attorney General or their duly authorized agents.

"(7) Every carrier, including all railroads, barges, trucks, or pipe lines, carrying or transporting oil for hire, for themselves or their owners, shall keep in Texas a complete and accurate record of all oil so handled by months, showing date received, number of barrels, of whom received, point of delivery, to whom delivered and manner of transportation, and such records shall be open to the inspection of the duly authorized agents of the Comptroller or the Attorney General at all times, and, if requested by the Comptroller, shall furnish information and reports of movements as often as required by the Comptroller; provided, however, that nothing in this bill imposing a tax on those enjoying the privilege herein

taxed shall be construed as impairing any contract whereby any interest holder or other person has agreed to pay any part of the tax in the past or in the future, but said tax is imposed on all of said interest holders as their interests appear and shall be paid as herein provided, and this Act is not intended to relieve any person of any contractual liability whatsoever."

Sec. 3. That Section 5 of said Chapter 162, as amended by House Bill No. 55, Chapter 12, Acts of the First Called Session of the Forty-third Legislature, be, and the same is hereby, amended so as to hereafter read as follows:

"Section 5. (1) At the time of filing the reports herein required, the first purchaser shall pay to the Comptroller by legal tender or cashier's check, payable to the State Treasurer, the tax herein required to be paid. Failure to pay said tax on the twenty-fifth day of the month immediately following, shall cause said tax to become delinquent and a penalty of ten per cent (10%) of the amount of said tax shall be added, such tax and penalty to bear interest at the rate of six per cent (6%) per annum from the date due until the date paid."

Sec. 4. That Section 6 of said Chapter 162 be, and the same is hereby, amended so as to hereafter read as follows:

"Section 6. (1) For the tax, penalties and interest herein provided for, the State shall have a prior and preferred lien on every leasehold interest, ownership of the oil rights, or the value of oil rights or other interest, including oil produced and oil runs owned by the person owing any tax herein, and in addition thereto such lien shall include equipment, tools, tanks, and all other implements used on said lease from which oil is produced. Said lien shall extend to and be enforceable against any property, either real or personal, or both, owned by any person or persons made liable for the tax herein levied, which property is not exempt from forced sale by reason of existing laws or the Constitution of this State. It is further provided that when any oil is discovered upon which the tax herein provided for has not been paid as and when provided for herein, any sheriff, ranger, or other peace officer is authorized to levy on said oil by notice to the owner or other person in

charge, that said oil is levied on for taxes due on it and after ten (10) days notice posted at the site of the oil, said officer shall proceed to sell said oil to the highest bidder for cash. Any money received for said oil in excess of the taxes and ten per cent (10%) commission to the officer selling the property, shall be paid by said officer to the owner of said oil. The officer selling same shall transmit the amount of the tax to the Comptroller or his duly authorized representative. Should the oil sold fail to sell for enough to pay said taxes, the officer selling same shall deduct ten per cent of the amount received and forward the balance to the Comptroller. Provided, however, that no ranger shall receive any commission for services performed in the enforcement of this provision."

Sec. 5. That Section 8 of said Chapter 162 be, and the same is hereby, amended so as to hereafter read as follows:

"Section 8. Whoever, as producer, first purchaser, subsequent purchaser, or carrier, or whoever shall, as a principal or as agent or representative of such principal, knowingly make any false entries or fail to make any proper entries in the books required by this Act with intent to defraud the State; or whoever as such, shall knowingly make a false or incomplete report as required by this Act; or whoever, as such, shall knowingly fail or refuse to make the report required to be made; or whoever, as such, shall destroy, mutilate, or secrete any of the records required to be kept by the provisions of this Act; or whoever shall, as such, hide or secrete with intent to defraud, any of the property upon which a lien is created hereunder, or whoever fails or refuses to permit the Comptroller or the Attorney General, or the duly authorized representative of either to inspect the records and reports herein provided for, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in the sum of not less than twenty-five dollars (\$25) nor more than five thousand dollars (\$5,000), or confined in the county jail for not less than one month, nor more than six (6) months, or by both such fine and imprisonment."

Sec. 6. That Section 9, Chapter 162, House Bill No. 154, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 12,

House Bill No. 55, First Called Session of the Forty-third Legislature, be, and the same is hereby, amended so as to hereafter read as follows:

"Section 9. (1) It shall be the duty of the Comptroller to promulgate rules and regulations governing the detail administration of the terms and requirements of this Act not specifically mentioned herein; to employ auditors and supervisors for the purpose of verifying reports and investigating the affairs of producers and/or purchasers to determine whether the tax is being properly reported and paid. Before any division or allotment of the occupation tax on oil collected under the provisions of this Act is made, one per cent (1%) of the gross amount of said tax shall be set aside in the Treasury subject to the use of the Comptroller in the administration and enforcement of the provisions of this Act, and so much of the said proceeds of one per cent (1%) of the occupation tax on oil paid monthly as may be needed in such administration and enforcement be, and is hereby, appropriated for said purpose. Any unexpended portion of said fund so specified shall, at the end of the fiscal year, revert to the respective funds or accounts in proper proportions to which the occupation tax on oil is proportioned at the end of the fiscal year; and provided, that the Comptroller may appoint only six (6) additional supervisors or auditors.

"(2) Provided, that said appropriation herein provided for shall include as a part of said one per cent (1%) of the said tax herein appropriated the appropriation made by the Regular Session of the Forty-third Legislature for said Comptroller's Department for the purpose herein mentioned."

Sec. 7. If any clause, section, provision or portion of this Act shall be held to be invalid or unconstitutional, such holding shall not affect any other section or clause of this Act.

Sec. 8. The fact that under existing statutes the State is losing large sums of money by enormous tax evasions, due to the ambiguity and inadequacies of said Act, the fact that by the passage of this bill the Comptroller will be able to ferret out such evasions and enforce the payment of taxes due to the State, and said tax

will be more uniform, create an emergency and an imperative public necessity that the constitutional rule that all bills be read on three several days in each house be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Daniel offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 89 by adding a new section to be entitled 13-a to read as follows:

"There is hereby levied an occupation tax on oil produced within this State of six cents per barrel of forty-two standard gallons, which tax shall be in lieu of and not in addition to any tax on production of oil."

DANIEL,  
KEEFE.

Mr. Quinn and Mr. Gibson raised a point of order on further consideration of the amendment by Mr. Daniel, on the ground that the amendment is not germane to the bill.

The Chair sustained the point of order.

#### MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 17, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in House amendments to Senate Bill No. 146 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following have been appointed on the part of the Senate: Senators Beck, Collie, Poage, Rawlings, Martin.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 11

On motion of Mr. Stinson, the following conference committee report on House Bill No. 11 was ordered printed in the Journal:

Committee Room,  
Austin, Texas, April 17, 1935.  
Hon. Walter F. Woodul, President of  
the Senate, and Hon. Coke R.  
Stevenson, Speaker of the House  
of Representatives.

Gentlemen: We, your conference  
committee appointed to adjust the  
differences between the House and  
the Senate on House Bill No. 11, the  
Centennial Bill, report that we have  
considered the same and recommend  
that it do pass in the form hereto  
attached:

"H. B. No. 11,

A BILL  
To Be Entitled

An Act making appropriation of funds  
to be expended for the purpose of  
creating and conducting celebrations  
commemorating the historic period  
of Texas history, celebrating a cen-  
tury of independence and progress,  
and other purposes incident thereto;  
said celebrations to be held during  
the period beginning May 1, 1935,  
and ending December 31, 1936;  
providing that this Act shall supple-  
ment the Act passed by the Second  
Called Session of the Forty-third  
Legislature creating the Texas Cen-  
tennial Commission, and that this  
Act repeals such parts of such  
former Act as are in conflict with  
it; providing that the Texas Cen-  
tennial Central Exposition, a cor-  
poration, shall by written contract  
with the Commission of Control  
assume the payment of the one  
hundred thousand dollars (\$100,000)  
advanced to the Centennial Com-  
mission under said former Act out  
of ten per cent (10%) of the first  
gross receipts received by said  
Texas Centennial Central Exposi-  
tion; providing for the creation of  
the Commission of Control of Texas  
Centennial Celebrations, and pro-  
viding for the manner of appoint-  
ment of the members thereof; and  
providing for the powers and duties  
of such Commission; delegating to  
such Commission the authority to  
determine where Centennial cele-  
brations may be held, and giv-  
ing such Commission supervisory  
authority over such celebrations;  
defining "celebrations"; and pro-  
viding that local communities where  
such celebrations are to be con-  
ducted may be required to con-  
tribute funds; creating the Ad-  
visory Board of Texas Historians,

and prescribing the powers and  
duties thereof; creating an Ad-  
visory Board for Advertising, and  
prescribing the powers and duties  
thereof; providing that all ex-  
penditures of funds shall be under  
the control and supervision of the  
Board of Control of the State of  
Texas; providing that the Attorney  
General shall approve the title to  
land acquired by lease or purchase;  
providing that all funds expended  
under the terms of this Act shall be  
drawn from the State Treasury by  
warrants signed by the Comptroller  
of Public Accounts and the Treas-  
urer of the State of Texas; provid-  
ing that wages paid under this Act  
shall be controlled as far as prac-  
ticable by the provisions of Chap-  
ter 45, Acts of the Regular Session  
of the Forty-third Legislature, and  
that on construction work, the  
Board of Control shall require as  
far as practicable the use of Texas  
labor and materials; that all perma-  
nent buildings erected in the City  
of Dallas upon the site of the Cen-  
tral Exposition shall be con-  
structed in accordance with plans  
and specifications approved by the  
Texas Centennial Central Exposi-  
tion, a corporation; providing for  
the use, possession, and occupancy  
of such buildings, the lease thereof  
to the City of Dallas, and the rental  
to be paid therefor; requiring such  
buildings to be protected by fire and  
tornado insurance; providing that  
the funds appropriated by the terms  
of the Act shall not be available  
until the Commission of Control for  
Centennial Celebrations has filed  
with the Comptroller a resolution  
approving plans for the Central  
Celebration at Dallas; preventing  
the switching of funds from one  
allocation to another, and prohib-  
iting the expenditure of such funds  
for salaries or expenses for envoys  
outside of continental North Amer-  
ica; limiting salaries to five thou-  
sand dollars (\$5,000) per year;  
making it unlawful for any member  
of the Texas Centennial Com-  
mission, the Commission of Control  
of Texas Centennial Celebrations,  
or any member of any advisory  
board to charge, receive, or claim,  
directly or indirectly, fees, com-  
missions, retainers, or brokerage  
out of any fund or funds appro-  
priated by the Act; precluding any  
such persons from having any in-  
terest in any lands, materials, con-

cessions, or contracts sold to or made with the Centennial Commission, Commission of Control, or the Centennial Commission advisory boards, or any individual or any committee represented by any member of said commissions or boards; providing for an audit of expenditures of the one hundred thousand dollars (\$100,000) heretofore appropriated to the Centennial Commission, and the allocation of the unexpended balance thereof to the Board of Control to be used in paying administrative expenses; authorizing the Commission of Control to employ such technical advisers, secretaries, and other employees necessary to carry out the provisions of this Act; providing for the filling of vacancies on the Commission of Control, the Advisory Board of Texas Historians, and the Advisory Board for Advertising; requiring seventy-five (75) per cent of the net receipts of the Texas Centennial Central Exposition at Dallas to be paid into the Treasury of the State of Texas for the benefit of the General Fund, such receipts not to exceed three million dollars (\$3,000,000); defining 'net receipts'; giving the Board of Control authority to make independent audits of all of the operations and affairs of the Texas Centennial Central Exposition, a corporation; providing for joint meetings of the Texas Centennial Commission and the Commission of Control; authorizing and directing the Commission of Control for Texas Centennial Celebrations to make immediate application to the Federal Government for additional appropriations or allocation of Federal funds to be expended for the purposes enumerated in the Act; providing for a saving clause, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of three million dollars (\$3,000,000) be, and the same is hereby, appropriated out of the General Revenue Fund of the State of Texas, not otherwise appropriated, to be expended for the purpose of creating and conducting celebrations commemorating the heroic period of early Texas history, and celebrating a century of the independence and progress of Texas as a Republic and State, and for the other purposes incident thereto as herein

provided. Said celebrations are to be held during the period beginning May 1, 1935, and ending December 31, 1936. The funds thus appropriated are allocated as follows:

Item No. 1

(1) The sum of one million dollars (\$1,000,000), or so much thereof as may be necessary, shall be used for the purpose of erecting exposition buildings upon the site of the Centennial Central Exposition in the City of Dallas.

Item No. 2

(1) The sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary, shall be used to equip and furnish such buildings.

Item No. 3

(1) The sum of two hundred and twenty-five thousand dollars (\$225,000), or so much thereof as may be necessary, is hereby appropriated and allocated to be used in gathering and preparing materials for exhibits of natural and civic history, such as constitute usual exhibits in museums of natural history and history, and for furnishing and equipping the Texas Memorial Museum Building. Such exhibits are to be displayed in the Texas Memorial Museum, funds for the construction of which are to be secured by donations from individuals, public and private agencies, gifts, and subscriptions. The raising of said funds with which to construct said museum building is to be sponsored by the Texas Centennial Committee of the American Legion of the State of Texas, which building is to cost approximately seven hundred and fifty thousand dollars (\$750,000) when completed, and is to be located on the campus of the University of Texas in the City of Austin. And the Board of Regents of the University of Texas is hereby constituted the board of directors of the Museum and as such shall have complete authority over the same, including the expenditure of the sum herein appropriated and allocated for the purposes above mentioned; provided, however, that not more than ten (10) per cent of the sum herein appropriated shall be expended for promotional and administrative expenses; provided further, however, the expenditure of the money herein appropriated shall be on vouchers properly approved by the chair-

man of the Board of Regents and attested by the secretary of said board, and such approval shall be sufficient authority for the Comptroller of Public Accounts to draw a warrant in payment of any claim properly approved by the Board of Regents of the University of Texas against this appropriation, and shall be in accordance with the general provisions of law covering the issuance and payment of vouchers by the Comptroller and Treasurer, respectively, of the State of Texas. Said Museum is to be a part of the Texas Centennial Celebrations and Expositions provided for in this Act.

#### Item No. 4

(1) The sum of five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, shall be used to conduct a State and National publicity and advertising campaign in behalf of all Texas relative to said Centennial during the period beginning May 1, 1935, and ending December 31, 1936.

#### Item No. 5

(1) The sum of one million and seventy-five thousand dollars (\$1,075,000) (and such other sums as may be re-allocated to this fund under the terms and provisions of Section 14 of this Act), or so much thereof as may be necessary, shall be used to defray the expenses, or the portion thereof above the amount of local funds contributed, or facilities furnished, of Centennial celebrations and expositions, as that term is hereinafter broadly defined, outside of the County of Dallas and within the State of Texas.

(2) The Commission of Control may expend an appropriate amount of the sum herein allocated in Item No. 5 for the purpose of erecting at some suitable place in Texas, to be selected by the said Commission, a memorial to the pioneer womanhood of this State.

Sec. 2. This Act shall be supplemental to the Act passed by the Second Called Session of the Forty-third Legislature, creating a Texas Centennial Commission and cumulative thereof, except that such parts of said creating Act as are in direct conflict with the provisions of this Act are hereby specifically repealed and superseded; provided, this Act does not repeal the requirement in the Act of the Second Called Session, Forty-

third Legislature, requiring the Texas Centennial Commission to repay to the State of Texas the one hundred thousand dollars (\$100,000) appropriated in said Act creating said Commission; provided, however, that the Texas Centennial Central Exposition, a corporation, shall legally assume and agree to repay to the State of Texas all of said sum of one hundred thousand dollars (\$100,000) hereinbefore referred to, out of ten per cent of the first gross receipts reported to and received by the said Texas Centennial Central Exposition, a corporation, and for the purpose of said assumption shall enter into a written contract by and between said Texas Central Exposition Corporation and the Commission of Control and the Board of Control of the State of Texas; and the funds appropriated herein for said Central Exposition shall not be available unless and until such contract or legal assumption shall have been made and executed on the part of said corporation, as hereinbefore provided.

Sec. 3. There is hereby created a Commission of Control for Texas Centennial Celebrations to be composed of eight members, of which the Lieutenant Governor of the State of Texas shall be a member and chairman; and the Speaker of the House of Representatives shall be a member and vice-chairman; of the remaining six (6) members, the Governor shall appoint two (2), the Lieutenant Governor two (2), and the Speaker of the House of Representatives two (2), such appointees shall be confirmed by a two-thirds ( $\frac{2}{3}$ ) vote of the Senate of Texas present. The duties of the Commission of Control for Texas Centennial Celebrations shall be to approve in writing plans for Centennial celebrations herein provided and to approve in writing the allocation of such sums of money as are necessary for the carrying out of their recommendations. Said Commission of Control is authorized to perform all other duties necessary to carry out the provisions and purposes of this Act.

Sec. 4. Centennial celebrations shall be held at such places as said Commission of Control for Texas Centennial Celebrations shall determine. The authority to make such determination is hereby delegated to said Commission. Said Commission, in passing upon the application of any locality for a celebration, shall take into con-



sideration whether such locality has such historical significance as will justify the holding of such celebration, and also such locality's accessibility and local facilities and financial ability to contribute local funds. Within the term "celebration" as used in this Act with reference to all places except the City of Dallas, is included the following: the placing of suitable markers, memorials or buildings at places where historic events occurred; the restoring of all or parts of old houses, forts, Indian villages, and other old structures connected with the history of the territory now embraced within the State of Texas; the placing of monuments to early patriots of Texas; the purchasing of suitable tracts of land where necessary for an approved celebration; and the staging of pageants at appropriate places; expositions in the recognition of the basic industries and their historical significance in the progress and growth of Texas; provided that in the matter of celebrations as herein defined above, the said Commission may require or accept a contribution by each local community, which may be substantial and proportionate to the amount allowed by the Commission; provided further, that in requiring such contributions in the matter of celebrations the said Commission may take into consideration the amounts already expended by each local community in preserving its historical spots and facilities for such celebrations and expositions; provided, however, that the Commission of Control shall not have authority to compel contributions or matching of funds for the placing of markers, the construction of memorials or buildings, the erection of monuments, or other permanent improvements, but may accept contributions for such purposes from the community applying for such celebration. The Commission may, within its discretion, require the matching or contribution of funds to pay the cost of pageants and similar celebrations.

Sec. 5. (1) There is hereby created an Advisory Board of Texas Historians to be selected by the Commission of Control, consisting of three (3) members, whose duty it shall be to investigate and report upon and make recommendations to the said Commission of Control as to the authenticity of the claims for Centennial celebrations and expositions, as that term is hereinbefore defined,

of the various places which shall apply to said Commission therefor, and as to the relative merits of such claims, and as to the kind and character of celebration or exposition, as that term is hereinbefore defined, if any, to which each such place so applying should be entitled, and as to the advisability of all the various expenditures proposed by said applicant or contemplated by said Commission of Control. In all cases the Commission of Control shall have final decision and jurisdiction in the matter of the above celebrations and observances and the expenditures relative thereto. The Advisory Board of Historians shall receive and consider every application made for a celebration and must seek the advice and co-operation of the local Centennial Advisory Board of the county from which application is made. It shall be the duty of the Advisory Board of Texas Historians after investigation to make a written report and recommendation upon each application to the Commission of Control for Centennial Celebrations. Duplicate copies of these reports shall be filed in the office of the Secretary of State and shall be open during office hours for public inspection. The Advisory Board of Texas Historians shall receive no compensation. The Centennial Commission of Control shall have authority to remove any member of such Board. The headquarters of the Advisory Board of Texas Historians shall be in Austin, Texas. The reasonably necessary expenses incurred in the performance of the duties of such advisory board shall be authorized by the Commission of Control, and paid out of the funds hereinafter allocated to the Board of Control for administrative expenses.

(2) There is hereby created an Advisory Board for Advertising, which shall consist of three (3) members to be appointed by the Commission of Control. The members of said advertising board shall be men of experience and training in various fields of State and National publicity and advertising. The Commission of Control shall have the authority to remove any member of such board. It shall be the duty of said advertising board to formulate a program of State and National publicity and advertising and recommend in writing the same to the Commission of Control, but such recommendations shall be advisory only. The Advisory Board

of Advertising shall receive no compensation. The reasonably necessary expenses incurred in the performance of its duties shall be authorized by the Commission of Control, and shall be paid out of the funds hereinafter allocated to the Board of Control for administrative purposes.

Sec. 6. All expenditures and contracts authorized by the Commission of Control shall be made, let, supervised and expended by the Board of Control of the State of Texas, according to all legal requirements now provided as to the expenditure of funds and the letting of contracts by said Board of Control.

Sec. 7. The Commission of Control and the Board of Control of the State of Texas are hereby prohibited from contracting for the purchase or acquirement by lease or otherwise of real estate unless and until the deeds, records, and all other necessary legal documents incident thereto have been approved by the Attorney General of the State of Texas, as now provided by law.

Sec. 8. All funds expended under this Act shall be drawn from the Treasury of the State of Texas by warrants properly signed by the Comptroller of Public Accounts and the Treasurer of the State of Texas, as is now provided by law.

Sec. 9. On all permanent buildings or projects constructed with funds appropriated by this Act the provisions of Chapter 45, Acts of the Regular Session of the Forty-third Legislature, so far as practicable, shall apply to wages paid.

Sec. 10. In the employment of laborers and artisans in all construction work to be paid for out of the funds appropriated under the terms of this Act, the Board of Control shall provide that the work shall be done with Texas labor and materials as far as practicable. The other cities of Texas shall not be discriminated against in favor of Dallas.

Sec. 11. All permanent buildings to be erected in the City of Dallas for the Central Exposition erected out of funds hereby appropriated shall be upon the site of the Centennial Central Exposition in the City of Dallas in accordance with plans and specifications approved by the Texas Centennial Central Exposition, and on land the title to which shall be in the State of Texas. The Texas Centennial Central Exposition shall have

the right to, possession of, and the free use and occupancy of the said buildings for the duration of the Central Exposition; provided, however, that the aforesaid buildings and the land on which they will be situated are hereby leased by the State of Texas to the City of Dallas for a period of twenty (20) years, commencing at the termination of the Central Exposition, at a rental of one hundred dollars (\$100) per year for said buildings, payable annually in advance. During the term of such lease said buildings shall be used for public purposes, including annual State expositions, and shall not be maintained or operated for purposes of private profit; there shall be no charge imposed upon any exhibitor in any of said buildings for exhibit space, and there shall be no admission charge for entrance into buildings erected out of State funds. The cost of an adequate amount of fire and tornado insurance covering said buildings, and the reasonable cost of maintenance of said buildings, shall be paid by the Texas Centennial Central Exposition, a corporation, until the termination of said Central Exposition. From and after that date, the cost of such insurance and such maintenance shall be borne by the aforesaid lessee, being the City of Dallas.

Sec. 12. In no event shall the funds herein provided be available unless and until the Commission of Control for Centennial Celebrations has filed with the Comptroller of the State of Texas a resolution approving the plans of the Texas Centennial Central Exposition for the central celebration at Dallas, and certifying further that said Central Exposition has the ability and intention in good faith to carry out said plans.

Sec. 13. The amount of money allocated to any community by the Commission of Control for a celebration, as that term is herein defined, shall also cover the expenses incident to such celebration or project, and no additional expense money or funds for any other purpose shall be allowed thereafter in addition to the allocation thus made.

Sec. 14. No part of any one of the allocations of said funds as provided in this Act shall at any time be used for the purposes of any other one or more of said funds; provided, however, that any unexpended balance remaining out of any allocation made,

after the Board of Control has complied with the recommendations of the Commission of Control for any specific expenditure, shall be re-allocated to Item Number Five, of Section 1, of this Act, and shall be available for expenditure for the purpose therein named.

Sec. 15. No part of the funds herein appropriated shall be expended for salary or expenses, directly or otherwise, for envoys outside of continental North America; provided no part of the funds under Items Nos. 3 and 5 shall be used for envoys anywhere.

Sec. 16. No person shall receive as salary, commission, or compensation out of said State funds herein appropriated more than five thousand dollars (\$5,000) per year.

Sec. 17. It shall be unlawful for any member of the Texas Centennial Commission, the Commission of Control for Texas Centennial Celebrations, or any member of any advisory board provided for herein to charge, receive, or obtain, directly or indirectly, any fee, commission, retainer, or brokerage, out of any fund or funds hereby appropriated, or by reason of any expenditure of such fund or funds; and no member of the Centennial Commission, the Commission of Control, or any advisory board provided for herein, shall have any interest in any land, materials, concessions, or contracts sold to or made with either the Centennial Commission, the Commission of Control, or the Centennial Commission advisory boards, or any individual or committee represented by any member of said Centennial Commission, Commission of Control, or advisory boards. Violation of any of the provisions of this section shall be a misdemeanor, and, upon conviction, punishment shall be by removal from such Commission, Commission of Control, or advisory board, and by fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or by confinement in the county jail for any time not to exceed six (6) months, or by both such fine and imprisonment.

Sec. 18. To provide funds for the administration of this Act, the Board of Control of the State of Texas, immediately upon the taking effect of this Act, shall cause to be made an audit of the expenditures of the Texas Centennial Commission out of the one

hundred thousand dollars (\$100,000) heretofore appropriated to the Centennial Commission. The unexpended portion of said funds are hereby appropriated to the said Board of Control as an expense fund for the administration of the duties imposed on said Board of Control by this Act; and such funds are hereby made available for the said Board of Control for such purposes. One hundred dollars (\$100) a month is authorized to be paid to each member of the Board of Control from the first day of the calendar month after the effective date of this Act until August 31, 1936, as compensation for the additional duties imposed under this Act. This compensation is to be paid by warrants drawn by the Comptroller of the State of Texas at the end of each month. This limitation as to the date for which this compensation is to be paid shall not be construed as a limitation of the time during which the Board of Control shall perform the duties prescribed under this Act.

Sec. 19. The Commission of Control is hereby authorized to employ such technical advisers, secretaries, and other employes as in their judgment may be found necessary, subject to the provisions of this Act and the other laws of Texas. Funds for the payment of such employes shall be made available by the Board of Control out of the fund for administrative expense above provided for on written request of the Commission of Control. The reasonably necessary expenses of the members of the Commission of Control in performing their duties under this Act are hereby authorized and shall be paid on proper requisition to the Board of Control; provided, however, that in no event shall the Commission of Control request the expenditure of more than twenty-five thousand dollars (\$25,000) for such purposes.

Sec. 20. Vacancies arising on the Commission of Control shall be filled by the authority first making the appointment under this Act. Vacancies on the Advisory Board of Texas Historians and on the Advisory Board for Advertising shall be filled by the Commission of Control.

Sec. 21. Seventy-five (75) per cent of the net receipts received from all sources by the Texas Centennial Central Exposition at Dallas, after paying all debts of said exposition, in-

cluding the corporation bond issue, which shall never exceed two million five hundred thousand dollars (\$2,500,000), as is now provided in the corporations' trust indenture, shall be paid into the Treasury of the State of Texas for the benefit of the General Fund; provided, however, out of such net receipts the Texas Centennial Central Exposition shall not be required to pay into the State Treasury more than three million dollars (\$3,000,000); said payment into the State Treasury shall be made within six (6) months after the official closing of the Central Exposition at Dallas. By net receipts is meant all profits arising from admissions, concessions, privileges, rentals, leases, and any and all other sources from which any funds may be derived. The said Central Exposition Corporation shall keep an accurate record of all receipts received as a result of said Centennial Celebration and of all expenditures, and within six (6) months from the official closing of said exposition said corporation shall cause to be furnished and filed with the Treasurer of the State of Texas a certified public audit showing the complete condition of the affairs of said corporation; and said report shall be accompanied by a certified check for an amount equal to seventy-five (75) per cent of the net receipts limited, however, to a total of three million dollars (\$3,000,000); and the Board of Control of the State of Texas shall have the authority to have a complete independent audit made of all of the operations and affairs of the Central Exposition Corporation.

Sec. 22. The Commission of Control is hereby directed, immediately upon the passage of this Act, to request the president of the Texas Centennial Commission to call a meeting of the Texas Centennial Commission at such time and place as he may designate. The Commission of Control is authorized and directed to attend said meeting for the purpose of discussing a program for the Centennial Celebrations, and to receive information and records now available from the Centennial Commission. The Commission of Control is further authorized, when, in their judgment, a meeting with the Texas Centennial Commission would be to the best interest of Centennial Celebrations in Texas, to request the president of the Texas Centennial Commission to call

such meeting; provided, however, that there shall be at least one such meeting during each four months period until the expiration of this Act. The reasonably necessary expenses of the members of the Texas Centennial Commission in attending these meetings called by the president shall be paid out of the funds provided in Section 2 hereof, and in the manner herein above provided.

Sec. 23. The Commission of Control for Texas Centennial Celebrations is hereby authorized and directed, immediately after the passage of this Act, to make formal application for the participation of the Federal Government in the Texas Centennial celebrations through proper channels and for adequate appropriation or allocation of Federal funds for that purpose. Any funds so received, unless otherwise directed by the Federal Government, shall be under the direction and control of the said Commission of Control to be expended under the provisions of this Act controlling the expenditures of the moneys herein appropriated; provided, however, that at least thirty-five (35) per cent of any such funds shall be added to the fund for local celebrations as set forth in Item No. 5, of Section 1, and expended by the Commission for such purposes. The Board of Regents of the University of Texas is hereby given authority to apply to the Federal Government, or any agency thereof, and to receive from the Government, or such agencies, funds to be expended in erecting and completing the Texas Memorial Museum and/or securing material for exhibits to be displayed therein.

Sec. 24. It is understood and expressly provided that should any section, clause, or provision of this Act be hereafter held invalid for any reason, such invalidity shall not in any way affect any other provision of this Act.

Sec. 25. The fact that a very brief time now remains to prepare for the holding of a Texas Centennial Celebration on a scale commensurate with the glorious history of our State, the patriotism of our people, and the progress of the past century, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each house, and the constitutional rule, requiring bills to take effect and go into force ninety

days after adjournment of the Session, be suspended, and said rules are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

WESTERFELD,  
RAWLINGS,  
ONEAL,

On the part of the Senate;

STINSON,  
HOSKINS,  
MORSE,  
HARTZOG,

On the part of the House.

### RECESS

On motion of Mr. Hardin, the House, at 5 o'clock p. m., took recess to 7:30 o'clock p. m., today.

### NIGHT SESSION

The House met at 7:30 o'clock p. m., and was called to order by the Speaker.

Mr. Newton moved a call of the House for the purpose of maintaining a quorum until 10 o'clock p. m., today, and the call was duly ordered.

On motion of Mr. Newton, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

The roll of the House was called, and a quorum was announced present.

### HOUSE BILL NO. 827 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 827, A bill to be entitled "An Act amending Article 2789 by adding Section "a" thereto authorizing the issuance of refunding bonds and warrants to refund any legal outstanding maintenance obligations of independent school districts and consolidated school independent districts by cancelling evidence thereof and issuing to the holders or creditors notes, bonds, or warrants, with or without coupons, bearing interest payable annually, and declaring an emergency."

The bill was read second time.

Mr. Bradford offered the following amendments to the bill:

Amend House Bill No. 827 by adding at the end of the word "valuation" in line 14 of page 2 thereof the words: "Provided that the provisions of this Act shall not apply to independent school districts in counties containing less than five thousand nine hundred and sixty inhabitants and more than five thousand nine hundred and seventy-five inhabitants as shown by the last preceding Federal Census."

Amend House Bill No. 827 by striking out in lines 19 and 20 of page 1 the words "fifteen hundred and not less than seven hundred and fifty" and insert in lieu thereof the following: "Nine hundred and seventy-five and not less than nine hundred and fifteen."

The amendments were severally adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

House Bill No. 827 was then passed to engrossment.

### HOUSE BILL NO. 827 ON THIRD READING

Mr. Bradford moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 827 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106

Adamson	Cowley
Adkins	Craddock
Aikin	Daniel
Alexander	Davis
Alsup	Dickison
Ash	Dunlap of Hays
Atchison	Dunlap of Kleberg
Beck	Fain
Bergman	Farmer
Bourne	Fisher
Bradbury	Ford
Bradford	Fox
Broyles	Frazer
Burton	Fuchs
Butler of Brazos	Gibson
Butler of Karnes	Glass
Cagle	Good
Calvert	Gray
Canon	Hankamer
Celaya	Hanna

Hardin	Morse
Harris of Archer	Newton
Head	Nicholson
Herzik	Padgett
Hodges	Patterson
Hofheinz	Payne
Holland	Quinn
Hoskins	Reed of Bowie
Huddleston	Roach of Angelina
Hunt	Roach of Hunt
Hunter	Roark
Hyder	Roberts
Jackson	Rogers
James	Russell
Jones of Atascosa	Rutta
Jones of Falls	Scarborough
Jones of Runnels	Shofner
Jones of Shelby	Smith
Jones of Wise	Stanfield
Keefe	Steward
King	Stinson
Knetsch	Stovall
Lanning	Tarwater
Lemens	Tennyson
Leonard	Thornton
Lotief	Tillery
Lucas	Venable
Mauritz	Waggoner
McCalla	Walker
McConnell	Westfall
McKee	Wood of Harrison
McKinney	Wood of Montague
Moffett	Worley
Morris	Young
Morrison	Youngblood

## Absent

Caldwell	Jefferson
Clayton	Lange
Collins	Latham
Colquitt	Leath
Colson	Lindsey
Cooper	Luker
Crossley	McFarland
Davison of Fisher	Moore
Davisson	Olsen
of Eastland	Palmer
Dunagan	Petsch
Duvall	Pope
Dwyer	Reader
England	Reed of Dallas
Graves	Riddle
Greathouse	Roane
Harris of Dallas	Settle
Hartzog	Spears
Hill	Wells
Howard	

## Absent—Excused

Fitzwater

The Speaker then laid House Bill No. 827 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—105

Adamson	Jones of Atascosa
Adkins	Jones of Falls
Aikin	Jones of Runnels
Alexander	Jones of Shelby
Alsup	Jones of Wise
Ash	Keefe
Atchison	King
Beck	Knetsch
Bergman	Lanning
Bourne	Lemens
Bradbury	Leonard
Bradford	Lotief
Broyles	Lucas
Burton	Mauritz
Butler of Brazos	McCalla
Butler of Karnes	McConnell
Cagle	McKee
Calvert	McKinney
Canon	Moffett
Celaya	Morris
Cowley	Morrison
Craddock	Morse
Daniel	Newton
Davisson	Nicholson
of Eastland	Padgett
Dickison	Patterson
Dunlap of Hays	Quinn
Fain	Reed of Bowie
Farmer	Roach of Angelina
Fisher	Roach of Hunt
Ford	Roark
Fox	Roberts
Fuchs	Rogers
Gibson	Russell
Glass	Rutta
Good	Scarborough
Graves	Shofner
Gray	Smith
Hankamer	Stanfield
Hanna	Steward
Hardin	Stinson
Harris of Archer	Stovall
Hartzog	Tarwater
Head	Tennyson
Herzik	Thornton
Hodges	Tillery
Hofheinz	Venable
Holland	Waggoner
Hoskins	Walker
Huddleston	Westfall
Hunt	Wood of Harrison
Hunter	Wood of Montague
Hyder	Worley
Jackson	Young
James	Youngblood
Jefferson	

## Absent

Caldwell	Davis
Clayton	Davison of Fisher
Collins	Dunagan
Colquitt	Dunlap of Kleberg
Colson	Duvall
Cooper	Dwyer
Crossley	England

Frazer	Olsen
Greathouse	Palmer
Harris of Dallas	Payne
Hill	Petsch
Howard	Pope
Lange	Reader
Latham	Reed of Dallas
Leath	Riddle
Lindsey	Roane
Luker	Settle
McFarland	Spears
Moore	Wells

Absent—Excused

Fitzwater

HOUSE BILL NO. 536 ON SECOND  
READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 536, A bill to be entitled "An Act to amend Article 5675 of Title 93 of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 536 ON THIRD  
READING

Mr. McCalla moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 536 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108

Adamson	Dunlap of Hays
Aikin	Fain
Alexander	Farmer
Alsup	Fisher
Ash	Ford
Atchison	Fox
Beck	Frazer
Bergman	Fuchs
Bourne	Gibson
Bradbury	Glass
Bradford	Good
Broyles	Graves
Burton	Gray
Butler of Brazos	Hankamer
Butler of Karnes	Hanna
Calvert	Hardin
Canon	Harris of Archer
Celaya	Hartzog
Cowley	Head
Craddock	Hodges
Crossley	Hofheinz
Daniel	Holland
Davis	Hoskins
Dickison	Huddleston

Hunt	Padgett
Hunter	Patterson
Hyder	Payne
Jackson	Quinn
James	Reed of Bowie
Jones of Atascosa	Roach of Angelina
Jones of Falls	Roach of Hunt
Jones of Runnels	Roark
Jones of Shelby	Roberts
Jones of Wise	Rogers
Keefe	Russell
King	Rutta
Knetsch	Shofner
Lanning	Smith
Lemens	Stanfield
Leonard	Steward
Lotief	Stinson
Lucas	Stovall
Luker	Tarwater
Mauritz	Tennyson
McCalla	Thornton
McConnell	Tillery
McKee	Venable
McKinney	Waggoner
Moffett	Wells
Morris	Westfall
Morrison	Wood of Harrison
Morse	Wood of Montague
Newton	Young
Nicholson	Youngblood

Nays—1

Herzik

Absent

Adkins	Jefferson
Cagle	Lange
Caldwell	Latham
Clayton	Leath
Collins	Lindsey
Colquitt	McFarland
Colson	Moore
Cooper	Olsen
Davison of Fisher	Palmer
Davisson	Petsch
of Eastland	Pope
Dunagan	Reader
Dunlap of Kleberg	Reed of Dallas
Duvall	Riddle
Dwyer	Roane
England	Scarborough
Greathouse	Settle
Harris of Dallas	Spears
Hill	Walker
Howard	Worley

Absent—Excused

Fitzwater

The Speaker then laid House Bill No. 536 before the House on its third reading and final passage.

The bill was read third time, and was passed.

HOUSE BILL NO. 642 ON SECOND  
READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 642, A bill to be entitled "An Act to amend Article 3430 of the Revised Civil Statutes of Texas, 1925, so as to provide that in addition to the other powers of executors or administrators they shall have the power, upon the proper order of the court, to compromise or pay secured claims which have been allowed and approved as required by law against the estate by conveying the real estate securing the payment of the claim to the holder thereof in full payment, liquidation, and satisfaction of such claim, and the cancellation of any and all notes, deeds of trust, mortgages, or other liens evidencing or securing the payment of such claim, and declaring an emergency."

The bill was read second time.

Mr. McCalla offered the following amendment to the bill:

Amend House Bill No. 642 by striking out in Section 1 the following words: "At a regular term thereof or in vacation."

McCALLA,  
CALVERT.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

House Bill No. 642 was then passed to engrossment.

HOUSE BILL NO. 642 ON THIRD  
READING

Mr. McCalla moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 642 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—119

Adamson	Bergman
Adkins	Bourne
Aikin	Bradbury
Alexander	Bradford
Alsup	Broyles
Ash	Burton
Atchison	Butler of Brazos
Beck	Butler of Karnes

Canon	Keefe
Celaya	King
Clayton	Knetsch
Collins	Lanning
Colquitt	Latham
Cooper	Lemens
Cowley	Leonard
Craddock	Lucas
Crossley	Luker
Daniel	Mauritz
Davis	McCalla
Davison of Fisher	McConnell
Davisson	McKee
of Eastland	McKinney
Dickison	Moffett
Dunagan	Morris
Dunlap of Hays	Morrison
Dunlap of Kleberg	Morse
England	Newton
Fain	Nicholson
Farmer	Padgett
Fisher	Patterson
Ford	Payne
Fox	Pope
Frazer	Reed of Bowie
Fuchs	Roach of Angelina
Gibson	Roach of Hunt
Glass	Roane
Good	Roark
Graves	Roberts
Gray	Rogers
Hankamer	Russell
Hanna	Rutta
Hardin	Shofner
Harris of Archer	Smith
Hartzog	Stanfield
Head	Steward
Herzik	Stinson
Hodges	Tarwater
Hofheinz	Tennyson
Holland	Thornton
Hoskins	Tillery
Huddleston	Venable
Hunt	Waggoner
Hunter	Walker
Hyder	Wells
Jackson	Westfall
James	Wood of Harrison
Jefferson	Wood of Montague
Jones of Falls	Worley
Jones of Runnels	Young
Jones of Shelby	Youngblood
Jones of Wise	

Nays—2

Cagle

Scarborough

Absent

Caldwell	Howard
Calvert	Jones of Atascosa
Colson	Lange
Duvall	Leath
Dwyer	Lindsey
Greathouse	Lotief
Harris of Dallas	McFarland
Hill	Moore



Olsen	Reed of Dallas
Palmer	Riddle
Petsch	Settle
Quinn	Spears
Reader	Stovall

Absent—Excused

Fitzwater

The Speaker then laid House Bill No. 642 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—120

Adamson	Harris of Archer
Adkins	Harris of Dallas
Aikin	Hartzog
Alexander	Head
Alsup	Herzik
Ash	Hodges
Atchison	Hofheinz
Beck	Holland
Bergman	Hoskins
Bourne	Huddleston
Bradbury	Hunt
Bradford	Hunter
Broyles	Jackson
Burton	James
Butler of Brazos	Jefferson
Butler of Karnes	Jones of Atascosa
Caldwell	Jones of Falls
Canon	Jones of Runnels
Celaya	Jones of Shelby
Clayton	Jones of Wise
Colquitt	Keefe
Colson	King
Cooper	Knetsch
Cowley	Lanning
Craddock	Latham
Crossley	Lemens
Daniel	Lucas
Davis	Luker
Davisson	Mauritz
of Eastland	McCalla
Dickison	McConnell
Dunagan	McKee
Dunlap of Hays	McKinney
Dunlap of Kleberg	Moffett
England	Morris
Fain	Morrison
Farmer	Newton
Fisher	Nicholson
Ford	Padgett
Fox	Patterson
Frazer	Payne
Fuchs	Quinn
Gibson	Reed of Bowie
Glass	Roach of Angelina
Good	Roach of Hunt
Graves	Roane
Gray	Roark
Hankamer	Roberts
Hanna	Rogers
Hardin	Russell

Rutta	Venable
Shofner	Waggoner
Smith	Walker
Stanfield	Wells
Steward	Westfall
Stinson	Wood of Harrison
Stovall	Wood of Montague
Tarwater	Worley
Tennyson	Young
Thornton	Youngblood
Tillery	

Nays—2

Cagle	Scarborough
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Absent

Calvert	Lotief
Collins	McFarland
Davison of Fisher	Moore
Duvall	Morse
Dwyer	Olsen
Greathouse	Palmer
Hill	Petsch
Howard	Pope
Hyder	Reader
Lange	Reed of Dallas
Leath	Riddle
Leonard	Settle
Lindsey	Spears

Absent—Excused

Fitzwater

### SENATE BILL NO. 498 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 498, A bill to be entitled "An Act prohibiting the taking, removing and carrying away of sand, marl, shell, gravel, or other material from land located between any sea wall and the water's edge or from any beach or shore line within this State, and declaring an emergency."

The bill was read second time.

Mr. Farmer offered the following amendment to the bill:

Amend Senate Bill No. 498 as follows: Add between the words "land" and "located" in line 11, the words "not his own" and in line 14, between the words "shall" and "take" add the words "on land not his own."

The amendment was adopted.

Senate Bill No. 498 was passed to third reading.

### SENATE BILL NO. 498 ON THIRD READING

Mr. Thornton moved that the constitutional rule, requiring bills to be

read on three several days, be suspended, and that Senate Bill No. 498 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—131

Adamson	Herzik
Adkins	Hodges
Aikin	Hofheinz
Alsup	Holland
Ash	Hoskins
Atchison	Huddleston
Beck	Hunt
Bergman	Hunter
Bourne	Hyder
Bradbury	Jackson
Bradford	James
Broyles	Jefferson
Burton	Jones of Atascosa
Butler of Brazos	Jones of Falls
Butler of Karnes	Jones of Runnels
Cagle	Jones of Shelby
Caldwell	Jones of Wise
Canon	Keefe
Celaya	King
Clayton	Knetsch
Collins	Lanning
Colquitt	Latham
Colson	Leath
Cooper	Lemens
Cowley	Leonard
Craddock	Lotief
Crossley	Lucas
Daniel	Luker
Davis	Mauritz
Davison of Fisher	McCalla
Davisson	McConnell
of Eastland	McKinney
Dickison	Moffett
Dunagan	Morris
Dunlap of Hays	Morrison
Dunlap of Kleberg	Morse
Dwyer	Newton
England	Nicholson
Fain	Padgett
Farmer	Patterson
Fisher	Payne
Ford	Pope
Fox	Quinn
Frazer	Reader
Fuchs	Reed of Bowie
Gibson	Roach of Angelina
Glass	Roach of Hunt
Good	Roane
Graves	Roark
Gray	Roberts
Greathouse	Rogers
Hankamer	Russell
Hanna	Rutta
Hardin	Scarborough
Harris of Archer	Shofner
Harris of Dallas	Smith
Hartzog	Stanfield
Head	Steward

Stinson	Walker
Stovall	Wells
Tarwater	Westfall
Tennyson	Wood of Harrison
Thornton	Wood of Montague
Tillery	Worley
Venable	Young
Waggoner	Youngblood

Absent

Alexander	Moore
Calvert	Olsen
Duvall	Palmer
Hill	Petsch
Howard	Reed of Dallas
Lange	Riddle
Lindsey	Settle
McFarland	Spears
McKee	

Absent—Excused

Fitzwater

The Speaker then laid Senate Bill No. 498 before the House on its third reading and final passage.

The bill was read third time.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

Senate Bill No. 498 was then passed by the following vote:

Yeas—130

Adamson	Davisson
Adkins	of Eastland
Aikin	Dickison
Alexander	Dunagan
Alsup	Dunlap of Hays
Atchison	Dwyer
Beck	Fain
Bergman	Farmer
Bourne	Fisher
Bradbury	Ford
Bradford	Fox
Broyles	Frazer
Burton	Fuchs
Butler of Brazos	Gibson
Butler of Karnes	Glass
Cagle	Good
Caldwell	Graves
Canon	Gray
Celaya	Greathouse
Clayton	Hankamer
Collins	Hanna
Colquitt	Hardin
Colson	Harris of Archer
Cooper	Harris of Dallas
Cowley	Hartzog
Craddock	Head
Crossley	Herzik
Daniel	Hodges
Davis	Hofheinz
Davison of Fisher	Holland

Hoskins	Patterson
Huddleston	Payne
Hunt	Pope
Hunter	Quinn
Hyder	Reader
Jackson	Reed of Bowie
James	Reed of Dallas
Jefferson	Roach of Angelina
Jones of Atascosa	Roach of Hunt
Jones of Falls	Roane
Jones of Runnels	Roark
Jones of Shelby	Roberts
Jones of Wise	Rogers
Keefe	Russell
King	Rutta
Knetsch	Scarborough
Lanning	Shofner
Latham	Smith
Leath	Stanfield
Lemens	Steward
Leonard	Stinson
Lotief	Stovall
Lucas	Tarwater
Luker	Tennyson
Mauritz	Thornton
McCalla	Tillery
McConnell	Venable
McKee	Waggoner
McKinney	Walker
Moffett	Wells
Morris	Westfall
Morrison	Wood of Harrison
Morse	Wood of Montague
Newton	Worley
Nicholson	Young
Padgett	Youngblood

## Absent

Ash	McFarland
Calvert	Moore
Dunlap of Kleberg	Olsen
Duvall	Palmer
England	Petsch
Hill	Riddle
Howard	Settle
Lange	Spears
Lindsey	

## Absent—Excused

Fitzwater

## HOUSE BILL NO. 643 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 643, A bill to be entitled "An Act to amend Article 3576 of the Revised Civil Statutes of Texas, 1925, as amended by Acts of 1929, Forty-first Legislature, page 63, Chapter 29, Section 2, by adding thereto a provision that where the sale of real estate is made to the owner or holder of a secured claim in full payment, liquida-

tion, and satisfaction thereof no bond shall be required except for the amount of cash actually received by such executor or administrator in excess of the amount necessary to pay, liquidate, and satisfy such claim in full, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

## HOUSE BILL NO. 643 ON THIRD READING

Mr. McCalla moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 643 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—128

Adamson	Frazer
Adkins	Fuchs
Aikin	Gibson
Alexander	Glass
Alsup	Good
Ash	Graves
Atchison	Gray
Beck	Greathouse
Bergman	Hankamer
Bourne	Hanna
Bradbury	Hardin
Bradford	Harris of Archer
Broyles	Harris of Dallas
Burton	Hartzog
Butler of Brazos	Head
Butler of Karnes	Herzik
Cagle	Hodges
Caldwell	Hofheinz
Canon	Holland
Celaya	Hoskins
Clayton	Huddleston
Collins	Hunt
Colquitt	Hunter
Colson	Hyder
Cooper	Jackson
Cowley	James
Craddock	Jefferson
Crossley	Jones of Atascosa
Daniel	Jones of Falls
Davis	Jones of Runnels
Davison of Fisher	Jones of Shelby
Davisson	Jones of Wise
of Eastland	Keefe
Dickison	King
Dunagan	Knetsch
Dunlap of Hays	Lanning
Dunlap of Kleberg	Leath
England	Lemens
Fain	Leonard
Farmer	Lotief
Fisher	Lucas
Ford	Luker
Fox	Mauritz

McCalla	Scarborough
McConnell	Shofner
McKee	Smith
McKinney	Stanfield
Moffett	Steward
Morris	Stinson
Morrison	Stovall
Morse	Tarwater
Newton	Tennyson
Nicholson	Thornton
Padgett	Tillery
Patterson	Venable
Pope	Waggoner
Quinn	Walker
Reed of Bowie	Wells
Reed of Dallas	Westfall
Roach of Angelina	Wood of Harrison
Roach of Hunt	Wood of Montague
Roark	Worley
Roberts	Young
Russell	Youngblood
Rutta	

## Absent

Calvert	Olsen
Duvall	Palmer
Dwyer	Payne
Hill	Petsch
Howard	Reader
Lange	Riddle
Latham	Roane
Lindsey	Rogers
McFarland	Settle
Moore	Spears

## Absent—Excused

Fitzwater

The Speaker then laid House Bill No. 643 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas --129

Adamson	Clayton
Adkins	Collins
Aikin	Colquitt
Alexander	Cooper
Alsup	Cowley
Ash	Craddock
Atchison	Crossley
Beck	Daniel
Bergman	Davis
Bourne	Davison of Fisher
Bradbury	Davisson
Bradford	of Eastland
Broyles	Dickison
Burton	Dunagan
Butler of Brazos	Dunlap of Hays
Butler of Karnes	England
Caldwell	Fain
Calvert	Farmer
Canon	Fisher
Celaya	Ford

Fox	McConnell
Frazer	McKee
Fuchs	McKinney
Gibson	Moffett
Glass	Morris
Good	Morrison
Graves	Morse
Gray	Newton
Hankamer	Nicholson
Hanna	Padgett
Hardin	Patterson
Harris of Archer	Payne
Harris of Dallas	Pope
Hartzog	Quinn
Head	Reader
Herzik	Reed of Bowie
Hodges	Reed of Dallas
Hofheinz	Roach of Angelina
Holland	Roach of Hunt
Hoskins	Roark
Huddleston	Roberts
Hunt	Rogers
Hunter	Russell
Hyder	Rutta
Jackson	Scarborough
James	Shofner
Jefferson	Smith
Jones of Atascosa	Stanfield
Jones of Falls	Steward
Jones of Runnels	Stinson
Jones of Shelby	Stovall
Jones of Wise	Tarwater
Keefe	Tennyson
King	Thornton
Knetsch	Tillery
Lanning	Venable
Latham	Waggoner
Leath	Walker
Lemens	Wells
Leonard	Westfall
Lotief	Wood of Harrison
Lucas	Wood of Montague
Luker	Worley
Mauritz	Young
McCalla	Youngblood

## Present—Not Voting

Cagle	Roane
	Absent
Colson	McFarland
Dunlap of Kleberg	Moore
Duvall	Olsen
Dwyer	Palmer
Greathouse	Petsch
Hill	Riddle
Howard	Settle
Lange	Spears
Lindsey	

## Absent—Excused

Fitzwater

## HOUSE BILL NO. 228 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 228, A bill to be entitled "An Act providing for the payment of the salary of the ex-officio superintendent of public instruction in all counties having not less than 6,800 and not more than 6,900 population, according to the last preceding Federal Census, from the county available school fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

### HOUSE BILL NO. 228 ON THIRD READING

Mr. Alexander moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 228 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—123

Adamson	Dwyer
Adkins	England
Aikin	Fain
Alexander	Fisher
Alsup	Ford
Ash	Fox
Atchison	Fuchs
Beck	Gibson
Bergman	Glass
Bourne	Graves
Bradbury	Gray
Bradford	Greathouse
Broyles	Hankamer
Butler of Brazos	Hanna
Butler of Karnes	Hardin
Cagle	Harris of Archer
Caldwell	Harris of Dallas
Canon	Hartzog
Celaya	Head
Clayton	Herzik
Collins	Hodges
Colquitt	Hofheinz
Colson	Hoskins
Cooper	Huddleston
Cowley	Hunt
Craddock	Hunter
Crossley	Hyder
Daniel	Jackson
Davis	James
Davison of Fisher	Jones of Atascosa
Davisson	Jones of Falls
of Eastland	Jones of Runnels
Dickison	Jones of Shelby
Dunagan	Jones of Wise
Dunlap of Hays	Keefe
Dunlap of Kleberg	King

Knetsch	Roach of Hunt
Lanning	Roark
Latham	Roberts
Leath	Rogers
Lemens	Russell
Leonard	Rutta
Lucas	Scarborough
Mauritz	Shofner
McCalla	Smith
McConnell	Stanfield
McKee	Steward
McKinney	Stinson
Moffett	Tarwater
Morris	Tennyson
Morrison	Thornton
Morse	Tillery
Newton	Venable
Nicholson	Waggoner
Padgett	Walker
Patterson	Wells
Payne	Westfall
Quinn	Wood of Harrison
Reader	Wood of Montague
Reed of Bowie	Worley
Reed of Dallas	Young
Roach of Angelina	Youngblood

### Absent

Burton	Luker
Calvert	McFarland
Duvall	Moore
Farmer	Olsen
Frazer	Palmer
Good	Petsch
Hill	Pope
Holland	Riddle
Howard	Roane
Jefferson	Settle
Lange	Spears
Lindsey	Stovall
Lotief	

### Absent—Excused

Fitzwater

The Speaker then laid House Bill No. 228 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—126

Adamson	Butler of Karnes
Adkins	Caldwell
Aikin	Canon
Alexander	Celaya
Alsup	Clayton
Ash	Colquitt
Atchison	Colson
Beck	Cooper
Bourne	Cowley
Bradbury	Craddock
Bradford	Crossley
Broyles	Daniel
Burton	Davis
Butler of Brazos	Davison of Fisher

Davisson	Lucas
of Eastland	Luker
Dickison	Mauritz
Dunagan	McCalla
Dunlap of Hays	McConnell
Dunlap of Kleberg	McKee
England	McKinney
Fain	Moffett
Farmer	Morris
Fisher	Morrison
Ford	Morse
Fox	Newton
Fuchs	Nicholson
Gibson	Padgett
Glass	Patterson
Graves	Payne
Gray	Pope
Greathouse	Quinn
Hankamer	Reader
Hanna	Reed of Bowie
Hardin	Reed of Dallas
Harris of Archer	Roach of Angelina
Harris of Dallas	Roach of Hunt
Hartzog	Roark
Head	Roberts
Herzik	Rogers
Hodges	Russell
Hofheinz	Rutta
Holland	Scarborough
Hoskins	Shofner
Huddleston	Smith
Hunt	Stanfield
Hunter	Steward
Hyder	Stinson
Jackson	Stovall
James	Tarwater
Jones of Atascosa	Tennyson
Jones of Falls	Thornton
Jones of Runnels	Tillery
Jones of Shelby	Venable
Jones of Wise	Waggoner
Keefe	Walker
King	Wells
Knetsch	Westfall
Lanning	Wood of Harrison
Latham	Wood of Montague
Leath	Worley
Lemens	Young
Leonard	Youngblood
Lotief	

## Absent

Bergman	Lange
Cagle	Lindsey
Calvert	McFarland
Collins	Moore
Duvall	Olsen
Dwyer	Palmer
Frazer	Petsch
Good	Riddle
Hill	Roane
Howard	Settle
Jefferson	Spears

## Absent—Excused

Fitzwater

## HOUSE BILL NO. 203 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 203, A bill to be entitled "An Act to validate all proceedings and acts of governing bodies of cities containing a population of not more than 11,000 nor less than 10,500, according to any Federal Census, in connection with the issuance of funding warrants and funding bonds heretofore authorized or attempted to be authorized under the provisions of Chapter 163, Acts Forty-second Legislature, Regular Session, and declaring an emergency."

The bill was read second time.

Mr. Celaya offered the following committee amendments to the bill:

Amend House Bill No. 203, Section 1, by striking out after the word "to" in line 3, Section 1, the following: "any Federal Census," and inserting in lieu thereof, "the last preceding Federal Census." Also correct the caption of the bill to conform with this section or wherever it might appear in the bill.

Amend House Bill No. 203 by adding the following:

"Provided, that this Act shall not apply to any city whose bonds or warrants are the subject matter of litigation."

The amendments were severally adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

House Bill No. 203 was then passed to engrossment.

## HOUSE BILL NO. 203 ON THIRD READING

Mr. Celaya moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 203 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—124

Adamson  
AdkinsAikin  
Alexander

Alsup	Jackson
Ash	James
Atchison	Jones of Atascosa
Beck	Jones of Falls
Bergman	Jones of Runnels
Bourne	Jones of Shelby
Bradbury	Jones of Wise
Bradford	Keefe
Broyles	King
Burton	Knetsch
Butler of Brazos	Lanning
Butler of Karnes	Latham
Cagle	Leath
Caldwell	Lemens
Canon	Lucas
Celaya	Luker
Clayton	Mauritz
Colquitt	McCalla
Colson	McConnell
Cooper	McKee
Cowley	McKinney
Craddock	Moffett
Crossley	Morris
Daniel	Morrison
Davis	Morse
Davison of Fisher	Newton
Davisson	Nicholson
of Eastland	Padgett
Dickison	Patterson
Dunagan	Pope
Dunlap of Hays	Quinn
Dwyer	Reader
England	Reed of Bowie
Fain	Reed of Dallas
Farmer	Roach of Angelina
Fisher	Roach of Hunt
Ford	Roark
Fox	Roberts
Frazer	Russell
Fuchs	Rutta
Gibson	Scarborough
Glass	Shofner
Graves	Smith
Gray	Stanfield
Greathouse	Steward
Hankamer	Stinson
Hanna	Stovall
Hardin	Tarwater
Harris of Archer	Tennyson
Harris of Dallas	Thornton
Hartzog	Tillery
Head	Venable
Herzik	Walker
Hodges	Wells
Hofheinz	Westfall
Holland	Wood of Harrison
Hoskins	Wood of Montague
Huddleston	Worley
Hunt	Young
Hunter	Youngblood
Hyder	

Present—Not Voting

Roane

Absent

Calvert  
CollinsDunlap of Kleberg  
Duvall

Good	Olsen
Hill	Palmer
Howard	Payne
Jefferson	Petsch
Lange	Riddle
Leonard	Rogers
Lindsey	Settle
Lotief	Spears
McFarland	Waggoner
Moore	

Absent—Excused

Fitzwater

The Speaker then laid House Bill No. 203 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—117

Adamson	Greathouse
Adkins	Hankamer
Aikin	Hanna
Alexander	Hardin
Alsup	Harris of Archer
Ash	Harris of Dallas
Atchison	Hartzog
Beck	Head
Bergman	Herzik
Bourne	Hodges
Bradbury	Hofheinz
Bradford	Holland
Broyles	Hoskins
Burton	Huddleston
Butler of Brazos	Hunt
Butler of Karnes	Hunter
Caldwell	Hyder
Canon	Jackson
Celaya	James
Clayton	Jones of Atascosa
Colquitt	Jones of Falls
Colson	Jones of Runnels
Cooper	Jones of Shelby
Cowley	Jones of Wise
Craddock	Keefe
Daniel	King
Davis	Lanning
Davison of Fisher	Latham
Davisson	Leath
of Eastland	Lemens
Dickison	Leonard
Dunagan	Lucas
Dunlap of Hays	Luker
England	Mauritz
Fain	McCalla
Farmer	McConnell
Fisher	McKee
Ford	McKinney
Fox	Moffett
Frazer	Morris
Fuchs	Morrison
Gibson	Newton
Glass	Nicholson
Good	Padgett
Gray	Patterson

Pope	Steward
Quinn	Stinson
Reader	Stovall
Reed of Bowie	Tarwater
Reed of Dallas	Tennyson
Roach of Angelina	Tillery
Roach of Hunt	Venable
Roark	Waggoner
Roberts	Wells
Russell	Westfall
Rutta	Wood of Harrison
Shofner	Wood of Montague
Smith	Worley
Stanfield	Youngblood

**Present—Not Voting**

Lotief	Roane
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**Absent**

Cagle	Moore
Calvert	Morse
Collins	Olsen
Crossley	Palmer
Dunlap of Kleberg	Payne
Duvall	Petsch
Dwyer	Riddle
Graves	Rogers
Hill	Scarborough
Howard	Settle
Jefferson	Spears
Knetsch	Thornton
Lange	Walker
Lindsey	Young
McFarland	

**Absent—Excused**

Fitzwater

**HOUSE BILL NO. 817 ON SECOND READING**

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 817, A bill to be entitled "An Act providing for the acquisition of lands for State Forests by Board of Directors of A. & M. College; vesting authority in such Board of Directors to so acquire lands for such purpose and prescribing means of acquisition and terms and manner of payment therefor, and the management, development, and use thereof, etc., and declaring an emergency."

The bill was read second time.

Mr. Pope offered the following amendment to the bill:

Amend House Bill No. 817 by adding after the word "forest," page 2, line 21, the following: "Provided, no sales or exchange of any such lands now belonging to the State of Texas or the Agricultural and Mechanical

College of Texas shall be made until such sale or exchange is authorized by the Legislature of the State of Texas."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

House Bill No. 817 was then passed to engrossment.

**HOUSE BILL NO. 817 ON THIRD READING**

Mr. Bergman moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 817 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—124

Adamson	Ford
Adkins	Fox
Aikin	Frazer
Alexander	Fuchs
Alsup	Gibson
Ash	Glass
Atchison	Graves
Beck	Gray
Bergman	Greathouse
Bourne	Hankamer
Bradbury	Hanna
Bradford	Hardin
Broyles	Harris of Archer
Burton	Harris of Dallas
Butler of Brazos	Head
Butler of Karnes	Herzik
Caldwell	Hodges
Calvert	Hofheinz
Canon	Holland
Celaya	Hoskins
Clayton	Huddleston
Colquitt	Hunter
Colson	Hyder
Cooper	Jackson
Cowley	James
Craddock	Jones of Atascosa
Crossley	Jones of Falls
Daniel	Jones of Runnels
Davis	Jones of Shelby
Davison of Fisher	Jones of Wise
Davisson	Keefe
of Eastland	King
Dickison	Knetsch
Dunagan	Lanning
Dunlap of Hays	Latham
Dwyer	Leath
England	Lemens
Fain	Leonard
Farmer	Lotief
Fisher	Lucas



Luker	Roberts
Mauritz	Russell
McCalla	Rutta
McConnell	Shofner
McKee	Smith
McKinney	Stanfield
Moffett	Steward
Morris	Stinson
Morrison	Stovall
Morse	Tennyson
Newton	Thornton
Nicholson	Tillery
Padgett	Venable
Patterson	Waggoner
Payne	Walker
Pope	Wells
Quinn	Westfall
Reader	Wood of Harrison
Reed of Bowie	Wood of Montague
Reed of Dallas	Worley
Roach of Angelina	Young
Roach of Hunt	Youngblood
Roark	

Nays—2

Good                      Hunt

Present—Not Voting

Roane

Absent

Cagle	Moore
Collins	Olsen
Dunlap of Kleberg	Palmer
Duvall	Petsch
Hartzog	Riddle
Hill	Rogers
Howard	Scarborough
Jefferson	Settle
Lange	Spears
Lindsey	Tarwater
McFarland	

Absent—Excused

Fitzwater

The Speaker then laid House Bill No. 817 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—122

Adamson	Burton
Adkins	Butler of Brazos
Aikin	Butler of Karnes
Alexander	Caldwell
Alsup	Calvert
Ash	Canon
Atchison	Celaya
Beck	Clayton
Bergman	Collins
Bourne	Colquitt
Bradbury	Cooper
Bradford	Cowley
Broyles	Craddock

Daniel	Leonard
Davis	Lucas
Davison of Fisher	Luker
Davisson	Mauritz
of Eastland	McCalla
Dickison	McConnell
Dunagan	McKee
Dunlap of Hays	McKinney
England	Moffett
Fain	Morris
Farmer	Morrison
Fisher	Morse
Ford	Newton
Fox	Nicholson
Frazer	Padgett
Fuchs	Patterson
Gibson	Payne
Glass	Pope
Graves	Quinn
Gray	Reader
Greathouse	Reed of Bowie
Hankamer	Reed of Dallas
Hanna	Roach of Angelina
Hardin	Roach of Hunt
Harris of Archer	Roark
Harris of Dallas	Roberts
Head	Russell
Herzik	Rutta
Hodges	Shofner
Hofheinz	Smith
Holland	Stanfield
Hoskins	Steward
Huddleston	Stinson
Hunter	Stovall
Hyder	Tarwater
Jackson	Tennyson
James	Thornton
Jefferson	Tillery
Jones of Atascosa	Venable
Jones of Falls	Waggoner
Jones of Runnels	Walker
Jones of Shelby	Wells
Jones of Wise	Westfall
Keefe	Wood of Harrison
King	Wood of Montague
Knetsch	Worley
Lanning	Young
Latham	Youngblood
Lemens	

Nays—2

Good                      Hunt

Present—Not Voting

Lotief

Absent

Cagle	Lange
Colson	Leath
Crossley	Lindsey
Dunlap of Kleberg	McFarland
Duvall	Moore
Dwyer	Olsen
Hartzog	Palmer
Hill	Petsch
Howard	Riddle

Roane  
Rogers  
Scarborough

Settle  
Spears

Absent—Excused

Fitzwater

# MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 17, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for the conference committee to consider further the differences between the two houses on House Bill No. 779, and has requested the same conferees to consider further the differences on said bill.

The Senate has passed

H. B. No. 685, A bill to be entitled "An Act providing for the extension of the 'Rio Grande Compact,' and declaring an emergency."

H. B. No. 327, A bill to be entitled "An Act appropriating five million dollars (\$5,000,000) per year, or so much thereof as may be necessary, for the next bienium beginning September 1, 1935, and ending August 31, 1937, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State, including sufficient funds to match Federal funds appropriated for the purpose of conducting vocational agriculture, home economics, trades and industries, general rehabilitation and rehabilitation for crippled children; attaching conditions, regulations, and limitations relative thereto, etc., and declaring an emergency." (With amendments.)

Respectfully,

BOB BARKER,

Secretary of the Senate.

# HOUSE BILL NO. 373 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 373, A bill to be entitled "An Act to amend Section 6 of House Bill No. 303, Chapter 245, page 856,

of the Acts of the Regular Session of the Forty-third Legislature to provide for an adequate and efficient method of examining Statewide mutual assessment insurance associations and companies qualifying and/or operating under the above chapter, and providing for the examination of said companies and associations every two years or oftener, if deemed advisable, etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

# HOUSE BILL NO. 373 ON THIRD READING

Mr. Thornton moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 373 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—122

Adamson	Fox
Adkins	Frazer
Aikin	Fuchs
Alexander	Gibson
Atchison	Glass
Beck	Good
Bourne	Graves
Bradbury	Gray
Broyles	Greathouse
Burton	Hankamer
Butler of Brazos	Hardin
Butler of Karnes	Harris of Dallas
Caldwell	Hartzog
Calvert	Head
Canon	Herzik
Celaya	Hodges
Clayton	Hofheinz
Collins	Holland
Colquitt	Hoskins
Colson	Huddleston
Cooper	Hunter
Cowley	Hyder
Craddock	Jackson
Crossley	James
Daniel	Jefferson
Davis	Jones of Atascosa
Davison of Fisher	Jones of Falls
Davisson	Jones of Shelby
of Eastland	Jones of Wise
Dickison	King
Dunagan	Knetsch
Dunlap of Hays	Lanning
Dunlap of Kleberg	Latham
Dwyer	Lemens
England	Leonard
Fain	Lotief
Farmer	Lucas
Fisher	Luker
Ford	Mauritz

McCalla	Russell
McConnell	Rutta
McKee	Scarborough
McKinney	Shofner
Moffett	Smith
Moore	Stanfield
Morris	Steward
Morrison	Stinson
Morse	Stovall
Newton	Tarwater
Nicholson	Tennyson
Padgett	Thornton
Patterson	Tillery
Payne	Venable
Petsch	Waggoner
Quinn	Walker
Reader	Wells
Reed of Dallas	Westfall
Roach of Angelina	Wood of Harrison
Roach of Hunt	Wood of Montague
Roane	Worley
Roark	Youngblood
Rogers	

Nays—1

Reed of Bowie

Absent

Alsup	Lange
Ash	Leath
Bergman	Lindsey
Bradford	McFarland
Cagle	Olsen
Duvall	Palmer
Hanna	Pope
Harris of Archer	Riddle
Hill	Roberts
Howard	Settle
Hunt	Spears
Jones of Runnels	Young
Keefe	

Absent—Excused

Fitzwater

The Speaker then laid House Bill No. 373 before the House on its third reading and final passage.

The bill was read third time, and was passed.

Mr. Reed of Bowie moved to reconsider the vote by which House Bill No. 373 was passed.

The motion to reconsider prevailed.

House Bill No. 373 was then passed by the following vote:

Yeas—116

Adamson	Caldwell
Alexander	Calvert
Atchison	Canon
Bergman	Celaya
Bourne	Clayton
Burton	Colquitt
Butler of Brazos	Colson
Butler of Karnes	Cooper

Cowley	Latham
Craddock	Leath
Crossley	Lemens
Daniel	Leonard
Davis	Lucas
Davison of Fisher	Luker
Davisson	Mauritz
of Eastland	McCalla
Dickison	McConnell
Dunagan	McKee
Dunlap of Hays	McKinney
Dwyer	Moffett
England	Moore
Fain	Morris
Farmer	Morrison
Fisher	Morse
Fox	Newton
Frazer	Nicholson
Fuchs	Padgett
Gibson	Palmer
Glass	Patterson
Good	Payne
Graves	Quinn
Gray	Reader
Greathouse	Reed of Dallas
Hankamer	Roach of Hunt
Harris of Archer	Roane
Harris of Dallas	Roark
Hartzog	Roberts
Head	Rogers
Herzik	Russell
Hodges	Rutta
Hofheinz	Scarborough
Holland	Shofner
Hoskins	Smith
Huddleston	Stanfield
Hunt	Steward
Hunter	Stinson
Hyder	Stovall
Jackson	Thornton
James	Tillery
Jefferson	Venable
Jones of Atascosa	Waggoner
Jones of Falls	Wells
Jones of Runnels	Westfall
Jones of Shelby	Wood of Harrison
Jones of Wise	Wood of Montague
Keefe	Worley
King	Young
Knetsch	Youngblood
Lanning	

Nays—9

Aikin	Reed of Bowie
Bradbury	Roach of Angelina
Broyles	Tennyson
Hardin	Walker
Lotief	

Present—Not Voting

Adkins	Cagle
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Absent

Alsup	Bradford
Ash	Collins
Beck	Dunlap of Kleberg

Duvall	Olsen
Ford	Petsch
Hanna	Pope
Hill	Riddle
Howard	Settle
Lange	Spears
Lindsey	Tarwater
McFarland	

Absent—Excused

Fitzwater

HOUSE BILL NO. 270 ON SECOND  
READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 270, A bill to be entitled "An Act to amend Article 1659, Chapter 6, Title 19, of the Revised Criminal Statutes of the State of Texas, 1925, relating to separate coaches for the accommodation of white and negro passengers so as to include commercial motor vehicles within the terms of the Act, and declaring an emergency."

The bill was read second time.

Mr. Palmer offered the following committee amendment to the bill:

Amend House Bill No. 270 by striking out Subsection 3 of Section 1, and inserting in lieu thereof the following:

"3. (a) Separate Coach Defined. Each compartment of a railroad coach divided by good and substantial wooden partitions with a door therein, shall be deemed a separate coach within the meaning of this law, and each separate coach shall bear in some conspicuous place appropriate words in plain letters indicating the race for which it is set apart.

"(b) Separate Compartments for Street Car, Interurban Car and Commercial Motor Vehicle Defined. Each street car, interurban car or commercial motor vehicle having a board or marker placed in a conspicuous place bearing appropriate words in plain letters indicating the race for which space is set apart, shall be sufficient as a separate compartment within the meaning of this law."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

House Bill No. 270 was then passed to engrossment.

HOUSE BILL NO. 270 ON THIRD  
READING

Mr. Palmer moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 270 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—125

Adamson	Herzik
Adkins	Hodges
Aikin	Hofheinz
Alsup	Holland
Atchison	Hoskins
Beck	Huddleston
Bourne	Hunt
Bradbury	Hunter
Bradford	Hyder
Broyles	Jackson
Burton	James
Butler of Brazos	Jones of Atascosa
Butler of Karnes	Jones of Falls
Caldwell	Jones of Runnels
Calvert	Jones of Shelby
Canon	Jones of Wise
Celaya	Keefe
Clayton	King
Collins	Knetsch
Colquitt	Lanning
Colson	Latham
Cooper	Leath
Cowley	Lemens
Craddock	Leonard
Daniel	Lotief
Davis	Lucas
Davison of Fisher	Mauritz
Davisson	McCalla
of Eastland	McConnell
Dickison	McKee
Dunagan	McKinney
Dunlap of Hays	Moffett
Duvall	Moore
Dwyer	Morris
England	Morrison
Fain	Newton
Farmer	Nicholson
Fisher	Padgett
Ford	Palmer
Fox	Patterson
Frazer	Payne
Fuchs	Pope
Gibson	Quinn
Glass	Reader
Good	Reed of Bowie
Gray	Reed of Dallas
Greathouse	Roach of Angelina
Hankamer	Roach of Hunt
Hanna	Roane
Hardin	Roark
Harris of Archer	Roberts
Harris of Dallas	Rogers
Hartzog	Russell

Rutta	Venable
Scarborough	Waggoner
Shofner	Walker
Smith	Wells
Stanfield	Westfall
Steward	Wood of Harrison
Stinson	Wood of Montague
Stovall	Worley
Tarwater	Young
Tennyson	Youngblood
Tillery	

## Absent

Alexander	Lange
Ash	Lindsey
Bergman	Luker
Cagle	McFarland
Crossley	Morse
Dunlap of Kleberg	Olsen
Graves	Petsch
Head	Riddle
Hill	Settle
Howard	Spears
Jefferson	Thornton

## Absent—Excused

Fitzwater

The Speaker then laid House Bill No. 270 before the House on its third reading and final passage.

The bill was read third time, and was passed.

## HOUSE BILL NO. 328 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 328, A bill to be entitled "An Act to amend Chapter 116, General Laws, Forty-third Legislature, Regular Session, 1933, the same being House Bill No. 122, printed at page 288, General Laws of the State of Texas, passed by the Forty-third Legislature at the Regular Session, 1933, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

## HOUSE BILL NO. 328 ON THIRD READING

Mr. Holland moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 328 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—115

Adamson	Aikin
Adkins	Atchison

Beck	Jones of Falls
Bergman	Jones of Runnels
Bourne	Jones of Shelby
Bradbury	Jones of Wise
Broyles	Keefe
Burton	King
Butler of Brazos	Lanning
Butler of Karnes	Latham
Caldwell	Leath
Calvert	Lemens
Canon	Leonard
Celaya	Lotief
Collins	Lucas
Colquitt	Luker
Colson	Mauritz
Cooper	McCalla
Cowley	McConnell
Craddock	McKee
Crossley	McKinney
Daniel	Moffett
Davis	Moore
Davison of Fisher	Morris
Davisson	Morrison
of Eastland	Newton
Dickison	Nicholson
Dunagan	Padgett
Dunlap of Hays	Palmer
Dunlap of Kleberg	Patterson
England	Payne
Fain	Petsch
Farmer	Pope
Fisher	Quinn
Ford	Reader
Fox	Reed of Bowie
Frazer	Reed of Dallas
Gibson	Roach of Angelina
Glass	Roach of Hunt
Good	Roark
Graves	Roberts
Gray	Russell
Greathouse	Rutta
Hanna	Smith
Hardin	Stanfield
Harris of Archer	Steward
Harris of Dallas	Stinson
Hartzog	Stovall
Herzik	Tarwater
Hodges	Tennyson
Hofheinz	Tillery
Holland	Venable
Hoskins	Walker
Huddleston	Westfall
Hunt	Wood of Harrison
Hyder	Wood of Montague
James	Worley
Jefferson	Young
Jones of Atascosa	Youngblood

Nays—5

Fuchs	Knetsch
Hankamer	Roane
Jackson	

Absent

Alexander	Ash
Alsup	Bradford

Cagle	Morse
Clayton	Olsen
Duvall	Riddle
Dwyer	Rogers
Head	Scarborough
Hill	Settle
Howard	Shofner
Hunter	Spears
Lange	Thornton
Lindsey	Waggoner
McFarland	Wells

Absent—Excused

Fitzwater

The Speaker then laid House Bill No. 328 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—123

Adamson	Good
Adkins	Gray
Aikin	Greathouse
Alexander	Hanna
Alsup	Hardin
Atchison	Harris of Archer
Beck	Harris of Dallas
Bergman	Hartzog
Bourne	Head
Bradbury	Herzik
Broyles	Hodges
Burton	Hofheinz
Butler of Brazos	Holland
Butler of Karnes	Hoskins
Caldwell	Huddleston
Calvert	Hunt
Canon	Hunter
Celaya	Hyder
Collins	James
Colquitt	Jones of Atascosa
Colson	Jones of Falls
Cooper	Jones of Runnels
Cowley	Jones of Shelby
Craddock	Jones of Wise
Crossley	Keefe
Daniel	King
Davis	Lanning
Davison of Fisher	Latham
Davison of Eastland	Leath
Dickison	Lemens
Dunagan	Leonard
Dunlap of Hays	Lotief
Dunlap of Kleberg	Lucas
Duvall	Luker
Dwyer	McCalla
England	McConnell
Fain	McKee
Farmer	McKinney
Fisher	Moffett
Ford	Moore
Fox	Morris
Frazer	Morrison
Gibson	Newton
Glass	Nicholson
	Padgett

Palmer	Smith
Patterson	Stanfield
Payne	Steward
Petsch	Stinson
Pope	Stovall
Quinn	Tarwater
Reader	Tennyson
Reed of Bowie	Tillery
Reed of Dallas	Venable
Roach of Angelina	Waggoner
Roach of Hunt	Walker
Roark	Westfall
Roberts	Wood of Harrison
Rogers	Wood of Montague
Russell	Worley
Rutta	Young
Shofner	Youngblood

Nays—6

Bradford	Jackson
Fuchs	Knetsch
Hankamer	Roane

Absent

Ash	McFarland
Cagle	Morse
Clayton	Olsen
Graves	Riddle
Hill	Scarborough
Howard	Settle
Jefferson	Spears
Lange	Thornton
Lindsey	Wells
Mauritz	

Absent—Excused

Fitzwater

### HOUSE BILL NO. 271 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 271, A bill to be entitled "An Act providing that any person or association of persons shall have the right to sell farm products or produce raised upon property controlled by any person or association of persons from house to house in any city in this State (Texas), fixing a penalty, and declaring an emergency."

The bill was read second time.

Mr. Palmer offered the following committee amendments to the bill:

Amend House Bill No. 271 by striking out Sections 1 and 2 and inserting in lieu thereof the following:

"Section 1. Any producer shall have a right to sell, or offer for sale from house to house in any city, town or

village in the State of Texas any truck or farm products raised upon property owned, leased and/or rented by him; provided, however, any city, town or unincorporated town or village shall have the right to enact reasonable sanitary regulations and to collect a reasonable inspection fee from each person so selling or offering for sale any such truck or farm products, which fee shall not exceed the sum of one dollar (\$1) in any one year, and no city, town or unincorporated towns or villages shall enact or enforce any ordinance in violation of this Act."

Amend House Bill No. 271 by changing the wording "Section 3" to "Section 2."

The amendments were severally adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

House Bill No. 271 was then passed to engrossment.

#### HOUSE BILL NO. 271 ON THIRD READING

Mr. Palmer moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 271 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—114

Adamson	Craddock
Adkins	Crossley
Aikin	Daniel
Alexander	Davis
Alsup	Davison of Fisher
Atchison	Davisson
Beck	of Eastland
Bourne	Dickison
Bradbury	Dunagan
Broyles	Dunlap of Hays
Burton	Dunlap of Kleberg
Butler of Brazos	England
Butler of Karnes	Farmer
Caldwell	Fisher
Calvert	Fox
Canon	Frazer
Celaya	Fuchs
Collins	Gibson
Colquitt	Glass
Colson	Good
Cooper	Graves
Cowley	Gray

Greathouse	Morse
Hanna	Newton
Hardin	Nicholson
Harris of Archer	Padgett
Harris of Dallas	Palmer
Hartzog	Patterson
Head	Payne
Herzik	Petsch
Hodges	Pope
Hofheinz	Reader
Hoskins	Reed of Bowie
Huddleston	Reed of Dallas
Hunt	Roach of Angelina
Hunter	Roach of Hunt
Jones of Atascosa	Roark
Jones of Falls	Roberts
Jones of Runnels	Russell
Jones of Shelby	Rutta
Jones of Wise	Shofner
Keefe	Smith
King	Stanfield
Lanning	Steward
Latham	Stinson
Leath	Stovall
Lemens	Tennyson
Leonard	Thornton
Lotief	Venable
Lucas	Waggoner
Luker	Walker
Mauritz	Wells
McCalla	Westfall
McKee	Wood of Harrison
McKinney	Wood of Montague
Moffett	Worley
Moore	Young
Morrison	Youngblood

Nays—7

Fain	Morris
James	Roane
Knetsch	Scarborough
McConnell	

Absent

Ash	Jackson
Bergman	Jefferson
Bradford	Lange
Cagle	Lindsey
Clayton	McFarland
Duvall	Olsen
Dwyer	Quinn
Ford	Riddle
Hankamer	Rogers
Hill	Settle
Holland	Spears
Howard	Tarwater
Hyder	Tillery

Absent—Excused

Fitzwater

The Speaker then laid House Bill No. 271 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—109

Adamson	Hyder
Adkins	Jones of Atascosa
Aikin	Jones of Falls
Alexander	Jones of Runnels
Alsup	Jones of Shelby
Atchison	Jones of Wise
Beck	Keefe
Bourne	King
Bradbury	Lanning
Broyles	Latham
Burton	Leath
Butler of Brazos	Lemens
Butler of Karnes	Leonard
Caldwell	Lucas
Calvert	Mauritz
Canon	McConnell
Celaya	McKee
Collins	McKinney
Colquitt	Moffett
Colson	Morrison
Cooper	Morse
Cowley	Newton
Craddock	Nicholson
Crossley	Padgett
Daniel	Palmer
Davis	Patterson
Davison of Fisher	Payne
Davison	Petsch
of Eastland	Pope
Dickison	Quinn
Dunlap of Hays	Reader
Dunlap of Kleberg	Reed of Bowie
England	Reed of Dallas
Farmer	Roach of Angelina
Fisher	Roach of Hunt
Ford	Roark
Fox	Roberts
Frazer	Rutta
Fuchs	Shofner
Gibson	Smith
Glass	Stanfield
Good	Stinson
Graves	Stovall
Gray	Tarwater
Greathouse	Tennyson
Hardin	Thornton
Harris of Archer	Venable
Harris of Dallas	Waggoner
Hartzog	Walker
Head	Wells
Herzik	Westfall
Hodges	Wood of Harrison
Hofheinz	Wood of Montague
Hoskins	Worley
Huddleston	Young
Hunt	Youngblood

## Nays—11

Bergman	James
Dunagan	Knetsch
Fain	Lotief

McCalla  
Morris  
Roane

Russell  
Scarborough

## Absent

Ash	Jefferson
Bradford	Lange
Cagle	Lindsey
Clayton	Luker
Duvall	McFarland
Dwyer	Moore
Hankamer	Olsen
Hanna	Riddle
Hill	Rogers
Holland	Settle
Howard	Spears
Hunter	Steward
Jackson	Tillery

## Absent—Excused

Fitzwater

## HOUSE BILL NO. 374 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 374, A bill to be entitled "An Act amending Title 17, Chapter 6, of the Penal Code of Texas, by adding thereto an article to be known as Article 1404-a, defining attempted burglary of a vessel, steamboat, or railroad car, making attempted burglary of a vessel, steamboat, or railroad car a penal offense, and providing the punishment for said offense."

The bill was read second time.

Mr. Jones of Falls offered the following amendment to the bill:

Amend House Bill No. 374 so as to add after the end of Section 1 the following:

"Section 2. The fact that the law now provides no penalty for attempt to burglarize a steamboat, vessel or railroad car, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be suspended, and said rule is hereby suspended, and that this Act take effect and be enforced from and after its passage and it is so enacted."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

House Bill No. 374 was then passed to engrossment.



HOUSE BILL NO. 374 ON THIRD  
READING

Mr. Jones of Falls moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 374 be placed on its third reading and final passage.

Yeas—124

Adamson	Hofheinz
Adkins	Hoskins
Aikin	Huddleston
Alexander	Hunt
Alsup	Hunter
Atchison	Hyder
Beck	Jackson
Bergman	James
Bourne	Jones of Atascosa
Bradbury	Jones of Falls
Broyles	Jones of Runnels
Burton	Jones of Shelby
Butler of Brazos	Jones of Wise
Butler of Karnes	Keefe
Cagle	King
Caldwell	Knetsch
Canon	Lanning
Celaya	Latham
Collins	Leath
Colquitt	Lemens
Colson	Leonard
Cooper	Lotief
Cowley	Lucas
Craddock	Luker
Crossley	Mauritz
Daniel	McCalla
Davis	McConnell
Davison of Fisher	McKee
Davison of Eastland	McKinney
Dickison	Moffett
Dunagan	Moore
Dunlap of Hays	Morris
Dunlap of Kleberg	Morrison
Duvall	Morse
Dwyer	Newton
England	Nicholson
Fain	Padgett
Farmer	Palmer
Fisher	Patterson
Ford	Payne
Fox	Petsch
Frazer	Pope
Fuchs	Quinn
Gibson	Reader
Glass	Reed of Bowie
Good	Reed of Dallas
Graves	Roach of Angelina
Greathouse	Roach of Hunt
Hardin	Roark
Harris of Archer	Roberts
Harris of Dallas	Russell
Hartzog	Rutta
Head	Scarborough
Herzik	Shofner
Hodges	Smith
	Stanfield

Steward	Wells
Stinson	Westfall
Tennyson	Wood of Harrison
Thornton	Wood of Montague
Tillery	Worley
Venable	Young
Waggoner	Youngblood
Walker	

Present—Not Voting

Roane

Absent

Ash	Lange
Bradford	Lindsey
Calvert	McFarland
Clayton	Olsen
Gray	Riddle
Hankamer	Rogers
Hanna	Settle
Hill	Spears
Holland	Stovall
Howard	Tarwater
Jefferson	

Absent—Excused

Fitzwater

The Speaker then laid House Bill No. 374 before the House on its third reading and final passage.

The bill was read third time, and was passed.

HOUSE BILL NO. 348 ON SECOND  
READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 348, A bill to be entitled "An Act to regulate the quality of milk sold, or offered or exposed for sale, to prevent the sale of any milk from which anything has been extracted or to which anything has been added, except butterfat, and to prescribe a minimum butterfat content for milk which is herein defined; to provide that containers for milk shall truthfully state the minimum butterfat content, etc., and declaring an emergency."

The bill was read second time.

Mr. Fain offered the following committee amendments to the bill:

Amend House Bill No. 348 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That where used in this Act:

"(a) The word 'person' shall mean any individual, firm, copartnership, or corporation.

"(b) 'Filled milk' shall include any milk, cream, or skimmed milk whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added or which has been blended or compounded with any fat or oil other than milk fat so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated. Provided, that this definition shall not be construed to include any distinctive proprietary food compound prepared and designated for feeding infants and young children, and customarily used on the order of a physician.

"Sec. 2. It shall hereafter be unlawful to handle for use, manufacture, or sale within this State any form of filled milk. It is declared that filled milk is an adulterated article of food injurious to the public health, and its sale constitutes a fraud upon the public. It shall be unlawful for any person to manufacture, within this State, or to ship or deliver for shipment in intrastate commerce, any filled milk.

"Sec. 3. Any person violating any of the provisions of this Act, whether as owner, agent, manager, clerk, or employe, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in the sum of not less than one hundred dollars (\$100) nor more than one hundred and fifty dollars (\$150) for each offense, or shall be confined in the county jail for not less than ten days nor more than thirty days, or by both such fine and imprisonment; and each transaction and violation of this Act shall constitute a separate offense.

"Sec. 4. The State Health Officer, by himself or his assistants, chemists, inspectors, deputies, or agents shall be charged with the enforcement of this Act, and he shall have full rights of ingress and egress to and on the premises of any person handling or selling or offering for sale any milk or milk products in this State, and shall have the authority and right to demand and have free access to the books and records of such persons at any and all reasonable times, and shall have the right and authority to demand and have sworn statements

and reports as he may deem necessary to the enforcement of this Act.

"Sec. 5. The fact that unscrupulous persons are defrauding the public by the sale of adulterated and diluted milk, and the fact that filled milk is not prohibited under the laws of Texas creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be suspended, and the same is hereby suspended, and this Act shall be in full force and effect from and after its passage, and it is so enacted."

Amend House Bill No. 348 by striking out all above the enacting clause and inserting in lieu thereof the following:

"H. B. No. 348,

#### A BILL

#### To Be Entitled

An Act to define and prohibit the manufacture and sales of filled milk; providing for penalties for violation of the Act; providing for the enforcement of the Act by the State Health Officer, and declaring an emergency."

The amendments were severally adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

House Bill No. 348 was then passed to engrossment.

#### HOUSE BILL NO. 348 ON THIRD READING

Mr. Fain moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 348 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—117

Adamson  
Alexander  
Alsup  
Atchison  
Beck  
Bergman  
Bourne  
Bradbury  
Broyles  
Burton

Butler of Brazos  
Butler of Karnes  
Caldwell  
Canon  
Celaya  
Clayton  
Collins  
Colquitt  
Colson  
Cooper

Cowley	Lotief
Craddock	Lucas
Crossley	Mauritz
Daniel	McCalla
Davis	McConnell
Davison of Fisher	McKee
Davisson	McKinney
of Eastland	Moffett
Dickison	Moore
Dunagan	Morris
Dunlap of Hays	Morrison
Dwyer	Morse
England	Newton
Fain	Nicholson
Farmer	Padgett
Fisher	Palmer
Ford	Patterson
Fox	Payne
Frazer	Petsch
Fuchs	Pope
Gibson	Quinn
Glass	Reader
Good	Reed of Bowie
Graves	Reed of Dallas
Gray	Roach of Hunt
Greathouse	Roark
Hanna	Roberts
Hardin	Russell
Harris of Archer	Rutta
Harris of Dallas	Shofner
Hartzog	Smith
Head	Stanfield
Hofheinz	Steward
Hoskins	Stinson
Huddleston	Stovall
Hunt	Tarwater
Hunter	Tennyson
Hyder	Thornton
Jackson	Tillery
James	Venable
Jones of Atascosa	Waggoner
Jones of Falls	Walker
Jones of Runnels	Wells
Jones of Shelby	Westfall
Jones of Wise	Wood of Harrison
King	Wood of Montague
Lanning	Worley
Latham	Young
Lemens	Youngblood
Leonard	

## Nays—1

Aikin

## Present—Not Voting

Herzik

Knetsch

## Absent

Adkins	Hodges
Ash	Holland
Bradford	Howard
Cagle	Jefferson
Calvert	Keefe
Dunlap of Kleberg	Lange
Duvall	Leath
Hankamer	Lindsey
Hill	Luker

McFarland	Rogers
Olsen	Scarborough
Riddle	Settle
Roach of Angelina	Spears
Roane	

Absent—Excused

Fitzwater

The Speaker then laid House Bill No. 348 before the House on its third reading and final passage.

The bill was read third time, and was passed.

## HOUSE BILL NO. 381 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 381, A bill to be entitled "An Act to permit and authorize the Fort Worth National Bank of Fort Worth, Texas, to bring and prosecute an action against the State of Texas on certain contracts; fixing the time within which the same may be brought; fixing the venue thereof in Travis County, Texas; providing that any judgment recovered be paid from the State Highway Fund; providing for service of citation, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

## HOUSE BILL NO. 381 ON THIRD READING

Mr. Greathouse moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 381 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—109

Adamson	Celaya
Aikin	Collins
Alexander	Colquitt
Alsup	Cooper
Atchison	Cowley
Beck	Craddock
Bourne	Crossley
Bradbury	Daniel
Bradford	Davis
Broyles	Davison of Fisher
Burton	Davisson
Butler of Brazos	of Eastland
Butler of Karnes	Dickison
Cagle	Dunagan
Caldwell	Dunlap of Hays
Calvert	England
Canon	Fain

Farmer	McConnell
Ford	Moffett
Fox	Morris
Frazer	Morrison
Fuchs	Morse
Gibson	Newton
Glass	Nicholson
Graves	Padgett
Greathouse	Palmer
Hanna	Patterson
Hardin	Payne
Harris of Archer	Pope
Harris of Dallas	Quinn
Hartzog	Reader
Head	Reed of Bowie
Hodges	Reed of Dallas
Hofheinz	Roach of Angelina
Hoskins	Roark
Huddleston	Roberts
Hunt	Russell
Hunter	Rutta
Hyder	Scarborough
Jackson	Smith
James	Stanfield
Jefferson	Steward
Jones of Falls	Tarwater
Jones of Runnels	Tennyson
Jones of Shelby	Thornton
Jones of Wise	Venable
Keefe	Waggoner
Knetsch	Walker
Lanning	Wells
Latham	Westfall
Leath	Wood of Harrison
Lemens	Wood of Montague
Leonard	Worley
Lotief	Young
Lucas	Youngblood
McCalla	

## Absent

Adkins	Lindsey
Ash	Luker
Bergman	Mauritz
Clayton	McFarland
Colson	McKee
Dunlap of Kleberg	McKinney
Duvall	Moore
Dwyer	Olsen
Fisher	Petsch
Good	Riddle
Gray	Roach of Hunt
Hankamer	Roane
Herzik	Rogers
Hill	Settle
Holland	Shofner
Howard	Spears
Jones of Atascosa	Stinson
King	Stovall
Lange	Tillery

## Absent—Excused

Fitzwater

The Speaker then laid House Bill No. 381 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—118

Adamson	James
Aikin	Jefferson
Alexander	Jones of Falls
Alsup	Jones of Runnels
Atchison	Jones of Shelby
Beck	Jones of Wise
Bourne	King
Bradbury	Knetsch
Bradford	Lanning
Broyles	Latham
Burton	Leath
Butler of Brazos	Lemens
Butler of Karnes	Leonard
Cagle	Lotief
Caldwell	Lucas
Calvert	Mauritz
Canon	McCalla
Celaya	McConnell
Collins	McKee
Cooper	McKinney
Cowley	Moffett
Craddock	Moore
Daniel	Morris
Davis	Morrison
Davison of Fisher	Morse
Davisson	Newton
of Eastland	Nicholson
Dickison	Patterson
Dunagan	Payne
Dunlap of Hays	Petsch
Dunlap of Kleberg	Quinn
Dwyer	Reader
England	Reed of Bowie
Fain	Reed of Dallas
Farmer	Roach of Angelina
Fisher	Roark
Ford	Roberts
Fox	Russell
Frazer	Rutta
Fuchs	Scarborough
Gibson	Shofner
Glass	Smith
Good	Stanfield
Graves	Steward
Gray	Stinson
Greathouse	Stovall
Hardin	Tarwater
Harris of Archer	Tennyson
Harris of Dallas	Thornton
Hartzog	Venable
Head	Waggoner
Hodges	Walker
Hofheinz	Wells
Hoskins	Westfall
Howard	Wood of Harrison
Huddleston	Wood of Montague
Hunt	Worley
Hunter	Young
Hyder	Youngblood
Jackson	

## Present—Not Voting

Bergman

## Absent

Adkins	Lindsey
Ash	Luker
Clayton	McFarland
Colquitt	Olsen
Colson	Padgett
Crossley	Palmer
Duvall	Pope
Hankamer	Riddle
Hanna	Roach of Hunt
Herzik	Roane
Hill	Rogers
Holland	Settle
Jones of Atascosa	Spears
Keefe	Tillery
Lange	

## Absent—Excused

Fitzwater

HOUSE BILL NO. 380 ON SECOND  
READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 380, A bill to be entitled "An Act making an appropriation to pay judgments of the district and county courts; refunding to the heirs, devisees, legatees, or legal representatives of deceased persons, whose estates have escheated to the State, such sums of money belonging to such escheated estates as have been paid into the Public Treasury; authorizing the payment of such claims on the taking effect of this Act, and filing with the Comptroller of a copy of the order of the court under seal of the court, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 380 ON THIRD  
READING

Mr. Stinson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 380 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—120

Adamson	Bradbury
Adkins	Bradford
Aikin	Broyles
Alexander	Burton
Alsup	Butler of Brazos
Atchison	Butler of Karnes
Beck	Caldwell
Bergman	Celaya
Bourne	Clayton

Collins	Leath
Colson	Lemens
Cooper	Leonard
Cowley	Lotief
Crossley	Lucas
Daniel	Mauritz
Davis	McCalla
Davison of Fisher	McConnell
Davisson	McKinney
of Eastland	Moffett
Dickison	Moore
Dunagan	Morris
Dunlap of Hays	Morrison
Duvall	Morse
England	Newton
Fain	Nicholson
Farmer	Olsen
Fisher	Padgett
Fox	Palmer
Frazer	Patterson
Fuchs	Payne
Gibson	Petsch
Good	Quinn
Graves	Reader
Gray	Reed of Bowie
Greathouse	Reed of Dallas
Hanna	Roach of Angelina
Hardin	Roach of Hunt
Harris of Archer	Roark
Harris of Dallas	Roberts
Hartzog	Russell
Head	Rutta
Herzik	Scarborough
Hodges	Shofner
Hofheinz	Smith
Holland	Stanfield
Hoskins	Steward
Howard	Stinson
Huddleston	Stovall
Hunter	Tarwater
Hyder	Tennyson
Jackson	Thornton
James	Tillery
Jones of Atascosa	Venable
Jones of Falls	Walker
Jones of Shelby	Wells
Jones of Wise	Westfall
Keefe	Wood of Harrison
King	Wood of Montague
Knetsch	Worley
Lanning	Young
Latham	Youngblood

## Present—Not Voting

Cagle

## Absent

Ash	Hill
Calvert	Hunt
Canon	Jefferson
Colquitt	Jones of Runnels
Craddock	Lange
Dunlap of Kleberg	Lindsey
Dwyer	Luker
Ford	McFarland
Glass	McKee
Hankamer	Pope

Riddle                      Settle  
Roane                        Spears  
Rogers                       Waggoner

Absent—Excused

Fitzwater

The Speaker then laid House Bill No. 380 before the House on its third reading and final passage.

The bill was read third time, and was passed.

#### HOUSE BILL NO. 85 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 85, A bill to be entitled "An Act to amend Article 1650 of the Revised Civil Statutes of Texas of 1925 with respect to the authority of the county auditor to appoint assistants; providing for oath and bond of assistants; providing for an application by the county auditor to the district judges having jurisdiction, setting forth number, qualifications, duties and compensation of such assistants; providing for approval and certification of such appointments to the commissioners court by the district judges having jurisdiction; etc., and declaring an emergency."

The bill was read second time.

Mr. Stovall offered the following amendment to the bill:

Amend House Bill No. 85, Section 1, page 2, line 32, by inserting the following after the word "inhabitants": "One (1) regular assistant in counties having not less than 53,936 and not more than 54,000 inhabitants, according to the last preceding Federal Census."

STOVALL,  
VENABLE.

The amendment was adopted.

Mr. Quinn offered the following amendments to the bill:

Amend House Bill No. 85, page 2, by striking out the words and figures "ten (10) regular" in line 34, and insert in lieu thereof the word and figure "six (6)".

Amend House Bill No. 85, page 2, by striking out the word "regular" in lines 31, 32, 34, and 37.

The amendments were severally adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

House Bill No. 85 was then passed to engrossment.

#### HOUSE BILL NO. 85 ON THIRD READING

Mr. Calvert moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 85 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—116

Adamson	Gray
Adkins	Hanna
Aikin	Hardin
Alexander	Harris of Archer
Alsup	Harris of Dallas
Atchison	Hartzog
Beck	Head
Bourne	Herzik
Bradbury	Hodges
Bradford	Hofheinz
Broyles	Holland
Burton	Hoskins
Butler of Brazos	Howard
Caldwell	Huddleston
Calvert	Hunt
Canon	Hunter
Celaya	Jackson
Clayton	James
Collins	Jefferson
Colson	Jones of Atascosa
Cooper	Jones of Falls
Cowley	Jones of Runnels
Craddock	Jones of Shelby
Daniel	Jones of Wise
Davis	Keefe
Davison of Fisher	King
Davisson	Knetsch
of Eastland	Lanning
Dickison	Latham
Dunagan	Leath
Dunlap of Hays	Lemens
Duvall	Leonard
England	Lotief
Fain	Lucas
Farmer	Mauritz
Fisher	McCalla
Fox	McConnell
Frazer	McKee
Fuchs	McKinney
Gibson	Moffett
Glass	Moore
Good	Morse
Graves	Newton

Nicholson	Stanfield
Olsen	Steward
Padgett	Stinson
Palmer	Tarwater
Patterson	Thornton
Payne	Tillery
Petsch	Venable
Pope	Waggoner
Quinn	Walker
Reader	Wells
Reed of Bowie	Westfall
Reed of Dallas	Wood of Harrison
Roach of Angelina	Wood of Montague
Roach of Hunt	Worley
Russell	Young
Rutta	Youngblood
Smith	

## Nays—6

Morris	Scarborough
Morrison	Shofner
Roark	Tennyson

## Present—Not Voting

Bergman	Cagle
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## Absent

Ash	Lange
Butler of Karnes	Lindsey
Colquitt	Luker
Crossley	McFarland
Dunlap of Kleberg	Riddle
Dwyer	Roane
Ford	Roberts
Greathouse	Rogers
Hankamer	Settle
Hill	Spears
Hyder	Stovall

## Absent—Excused

Fitzwater

The Speaker then laid House Bill No. 85 before the House on its third reading and final passage.

The bill was read third time, and was passed.

Mr. Duvall moved to reconsider the vote by which the bill was passed.

The motion to reconsider prevailed.

House Bill No. 85 was then passed by the following vote:

## Yeas—113

Adamson	Caldwell
Adkins	Calvert
Alexander	Canon
Alsup	Celaya
Beck	Clayton
Bradbury	Collins
Bradford	Colquitt
Burton	Colson
Butler of Brazos	Cooper
Cagle	Cowley

Craddock	Leath
Crossley	Leonard
Daniel	Lotief
Davis	Lucas
Davison of Fisher	Luker
Dickison	Mauritz
Dunagan	McCalla
Dunlap of Hays	McConnell
Dunlap of Kleberg	McKee
Duvall	McKinney
England	Moffett
Fain	Moore
Farmer	Morse
Fisher	Newton
Fox	Nicholson
Frazer	Olsen
Fuchs	Padgett
Gibson	Patterson
Glass	Payne
Good	Petsch
Graves	Pope
Gray	Reader
Harris of Archer	Reed of Bowie
Harris of Dallas	Reed of Dallas
Hartzog	Roach of Hunt
Head	Roark
Herzik	Roberts
Hodges	Rogers
Hofheinz	Russell
Holland	Rutta
Hoskins	Scarborough
Howard	Smith
Huddleston	Stanfield
Hunt	Steward
Hunter	Stinson
Hyder	Stovall
Jackson	Tarwater
James	Thornton
Jefferson	Tillery
Jones of Atascosa	Venable
Jones of Falls	Wells
Jones of Runnels	Wood of Harrison
Jones of Shelby	Wood of Montague
Jones of Wise	Worley
Keefe	Young
King	Youngblood
Latham	

## Nays—14

Aikin	Morrison
Atchison	Quinn
Broyles	Roach of Angelina
Hardin	Shofner
Knetsch	Tennyson
Lemens	Walker
Morris	Westfall

## Present—Not Voting

Bergman	Lanning
Bourne	

## Absent

Ash	Ford
Butler of Karnes	Greathouse
Davisson	Hankamer
of Eastland	Hanna
Dwyer	Hill

Lange	Roane
Lindsey	Settle
McFarland	Spears
Palmer	Waggoner
Riddle	

Absent—Excused

Fitzwater

### HOUSE BILL NO. 471 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 471, A bill to be entitled "An Act amending Article 195, Chapter 2, Title 4, Code of Criminal Procedure of Texas, 1925, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

### HOUSE BILL NO. 471 ON THIRD READING

Mr. Craddock moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 471 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—117

Adamson	Dunagan
Adkins	Dunlap of Hays
Aikin	Dunlap of Kleberg
Alexander	Duvall
Alsup	England
Atchison	Fain
Beck	Farmer
Bergman	Fisher
Bourne	Fox
Bradbury	Frazer
Bradford	Fuchs
Broyles	Gibson
Burton	Glass
Butler of Brazos	Good
Butler of Karnes	Graves
Cagle	Gray
Caldwell	Hardin
Canon	Harris of Archer
Celaya	Harris of Dallas
Clayton	Hartzog
Collins	Herzik
Colson	Hodges
Cooper	Hofheinz
Cowley	Hoskins
Craddock	Howard
Davis	Huddleston
Davison of Fisher	Hunt
Davison	Hunter
of Eastland	Hyder
Dickison	Jackson

James	Palmer
Jefferson	Patterson
Jones of Atascosa	Payne
Jones of Falls	Petsch
Jones of Runnels	Pope
Jones of Shelby	Quinn
Jones of Wise	Reader
Keefe	Reed of Bowie
King	Reed of Dallas
Knetsch	Roach of Angelina
Lanning	Roach of Hunt
Latham	Roark
Lemens	Rutta
Leonard	Shofner
Lotief	Smith
Lucas	Stanfield
Mauritz	Steward
McCalla	Stovall
McConnell	Tarwater
McKee	Tennyson
McKinney	Thornton
Moffett	Waggoner
Moore	Walker
Morris	Wells
Morrison	Westfall
Morse	Wood of Harrison
Newton	Wood of Montague
Nicholson	Worley
Olsen	Young
Padgett	

Nays—3

Head  
Russell

Scarborough

Absent

Ash	Lindsey
Calvert	Luker
Colquitt	McFarland
Crossley	Riddle
Daniel	Roane
Dwyer	Roberts
Ford	Rogers
Greathouse	Settle
Hankamer	Spears
Hanna	Stinson
Hill	Tillery
Holland	Venable
Lange	Youngblood
Leath	

Absent—Excused

Fitzwater

The Speaker then laid House Bill No. 471 before the House on its third reading and final passage.

The bill was read third time, and was passed.

### HOUSE BILL NO. 472 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,



H. B. No. 472, A bill to be entitled "An Act to authorize the State Highway Commission of Texas to provide for the removal of bridges obstructing the construction of the Intracoastal Waterway of Louisiana and Texas, and to replace same out of any funds available for that purpose, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

### HOUSE BILL NO. 472 ON THIRD READING

Mr. Thornton moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 472 be place on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—129

Adamson	Gibson
Adkins	Glass
Aikin	Good
Alexander	Graves
Alsup	Gray
Atchison	Greathouse
Beck	Hanna
Bergman	Hardin
Bourne	Harris of Archer
Bradbury	Harris of Dallas
Bradford	Hartzog
Broyles	Head
Burton	Herzik
Butler of Karnes	Hodges
Caldwell	Hofheinz
Canon	Hoskins
Celaya	Howard
Clayton	Huddleston
Collins	Hunt
Colquitt	Hunter
Colson	Hyder
Cooper	Jackson
Cowley	James
Craddock	Jefferson
Davis	Jones of Atascosa
Davison of Fisher	Jones of Falls
Davisson	Jones of Runnels
of Eastland	Jones of Shelby
Dickison	Jones of Wise
Dunagan	Keefe
Dunlap of Hays	King
Dunlap of Kleberg	Knetsch
Duvall	Lanning
Dwyer	Latham
England	Leath
Fain	Lemens
Farmer	Leonard
Fisher	Lotief
Fox	Lucas
Frazer	Mauritz
Fuchs	McCalla

McConnell	Roberts
McKee	Rogers
McKinney	Russell
Moffett	Rutta
Moore	Scarborough
Morris	Shofner
Morrison	Smith
Morse	Stanfield
Newton	Steward
Nicholson	Stinson
Olsen	Stovall
Padgett	Tennyson
Palmer	Thornton
Patterson	Tillery
Payne	Venable
Petsch	Waggoner
Quinn	Walker
Reader	Wells
Reed of Bowie	Westfall
Reed of Dallas	Wood of Harrison
Roach of Angelina	Wood of Montague
Roach of Hunt	Worley
Roane	Young
Roark	Youngblood

### Absent

Ash	Lange
Butler of Brazos	Lindsey
Cagle	Luker
Calvert	McFarland
Crossley	Pope
Daniel	Riddle
Ford	Settle
Hankamer	Spears
Hill	Tarwater
Holland	

### Absent—Excused

Fitzwater

The Speaker then laid House Bill No. 472 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—126

Adamson	Collins
Adkins	Colquitt
Aikin	Colson
Alexander	Cooper
Alsup	Cowley
Atchison	Craddock
Beck	Crossley
Bergman	Daniel
Bourne	Davison of Fisher
Bradbury	Davisson
Bradford	of Eastland
Broyles	Dickison
Burton	Dunlap of Hays
Butler of Brazos	Duvall
Butler of Karnes	Dwyer
Caldwell	England
Calvert	Fain
Canon	Farmer
Celaya	Fisher

Fox	Moore
Frazer	Morris
Fuchs	Morrison
Gibson	Morse
Glass	Newton
Good	Nicholson
Graves	Olsen
Gray	Padgett
Greathouse	Palmer
Hanna	Patterson
Hardin	Payne
Harris of Dallas	Pope
Hartzog	Quinn
Head	Reader
Herzik	Reed of Bowie
Hodges	Reed of Dallas
Hofheinz	Roach of Angelina
Holland	Roach of Hunt
Hoskins	Roark
Howard	Roberts
Huddleston	Rogers
Hunter	Russell
Hyder	Rutta
Jackson	Scarborough
James	Shofner
Jefferson	Smith
Jones of Falls	Stanfield
Jones of Runnels	Steward
Jones of Shelby	Stinson
Jones of Wise	Stovall
Keefe	Tarwater
King	Tennyson
Lanning	Thornton
Latham	Tillery
Lemens	Venable
Leonard	Waggoner
Lotief	Walker
Lucas	Wells
Mauritz	Westfall
McCalla	Wood of Harrison
McConnell	Wood of Montague
McKee	Worley
McKinney	Young
Moffett	Youngblood

## Nays—1

Davis

## Absent

Ash	Knetsch
Cagle	Lange
Clayton	Leath
Dunagan	Lindsey
Dunlap of Kleberg	Luker
Ford	McFarland
Hankamer	Petsch
Harris of Archer	Riddle
Hill	Roane
Hunt	Settle
Jones of Atascosa	Spears

## Absent—Excused

Fitzwater

## HOUSE BILL NO. 492 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 492, A bill to be entitled "An Act to amend Section 75 of Article 2696 of the Revised Statutes of Texas, relating to the transfers of children from an independent school district or other school districts in any county, to some other independent district or other district in the same county, and providing that the per capita apportionment shall be paid by the State Treasurer to the independent school district to which the child is transferred, or to the county superintendent in all other districts, to be distributed by said county superintendent, and providing for an appeal from the acts of the county superintendent to the county board of trustees in all cases when an independent or other district shall be dissatisfied with the action of the county superintendent in the transfers made by said county superintendent."

The bill was read second time.

Mr. Leath offered the following amendment to the bill:

Amend House Bill No. 492 by adding the following at the proper place:

"The crowded condition of the calendar and the nearness of the end of the Session creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

House Bill No. 492 was then passed to engrossment.

## HOUSE BILL NO. 492 ON THIRD READING

Mr. Leath moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 492 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—132

Adamson	Hyder
Adkins	Jackson
Alexander	James
Alsup	Jefferson
Atchison	Jones of Atascosa
Beck	Jones of Falls
Bergman	Jones of Runnels
Bourne	Jones of Shelby
Bradbury	Jones of Wise
Bradford	Keefe
Broyles	King
Burton	Knetsch
Butler of Brazos	Lanning
Butler of Karnes	Latham
Cagle	Leath
Caldwell	Lemens
Calvert	Leonard
Canon	Lotief
Celaya	Lucas
Clayton	Luker
Collins	Mauritz
Colquitt	McCalla
Colson	McConnell
Cooper	McKee
Cowley	McKinney
Craddock	Moffett
Daniel	Moore
Davis	Morris
Davison of Fisher	Morrison
Davisson	Morse
of Eastland	Newton
Dickison	Nicholson
Dunagan	Olsen
Dunlap of Hays	Padgett
Duvall	Palmer
Dwyer	Patterson
England	Payne
Fain	Petsch
Farmer	Pope
Fisher	Quinn
Fox	Reader
Frazer	Reed of Bowie
Fuchs	Reed of Dallas
Gibson	Roach of Angelina
Glass	Roach of Hunt
Good	Roark
Graves	Roberts
Greathouse	Rogers
Hanna	Russell
Hardin	Rutta
Harris of Archer	Scarborough
Harris of Dallas	Smith
Hartzog	Stanfield
Head	Steward
Herzik	Stinson
Hodges	Stovall
Hofheinz	Tarwater
Holland	Tennyson
Hoskins	Thornton
Howard	Tillery
Huddleston	Venable
Hunt	Waggoner
Hunter	Walker

Wells	Worley
Westfall	Young
Wood of Harrison	Youngblood
Wood of Montague	

Nays—1

Aikin

Present—Not Voting

Roane

Shofner

Absent

Ash

Lange

Crossley

Lindsey

Dunlap of Kleberg

McFarland

Ford

Riddle

Gray

Settle

Hankamer

Spears

Hill

Absent—Excused

Fitzwater

The Speaker then laid House Bill No. 492 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—128

Adamson	Farmer
Adkins	Fisher
Alexander	Fox
Alsup	Frazer
Atchison	Fuchs
Beck	Gibson
Bourne	Glass
Bradbury	Graves
Bradford	Greathouse
Broyles	Hanna
Burton	Hardin
Butler of Karnes	Harris of Archer
Cagle	Harris of Dallas
Caldwell	Hartzog
Calvert	Head
Canon	Herzik
Celaya	Hodges
Collins	Hofheinz
Colquitt	Hoskins
Colson	Howard
Cooper	Huddleston
Cowley	Hunt
Craddock	Hunter
Crossley	Hyder
Daniel	Jackson
Davis	James
Davison of Fisher	Jefferson
Davisson	Jones of Atascosa
of Eastland	Jones of Falls
Dickison	Jones of Runnels
Dunagan	Jones of Shelby
Dunlap of Hays	Jones of Wise
Duvall	Keefe
Dwyer	King
England	Knetsch
Fain	Lanning

Latham	Reed of Dallas
Leath	Roach of Angelina
Lemens	Roach of Hunt
Leonard	Roark
Lotief	Roberts
Lucas	Rogers
Luker	Russell
Mauritz	Rutta
McCalla	Scarborough
McConnell	Smith
McKee	Stanfield
McKinney	Steward
Moffett	Stinson
Moore	Stovall
Morris	Tarwater
Morrison	Tennyson
Morse	Thornton
Newton	Tillery
Nicholson	Venable
Olsen	Waggoner
Padgett	Walker
Palmer	Wells
Patterson	Westfall
Payne	Wood of Harrison
Petsch	Wood of Montague
Pope	Worley
Quinn	Young
Reader	Youngblood
Reed of Bowie	

## Nays—1

Aikin

## Present—Not Voting

Bergman

Shofner

## Absent

Ash	Holland
Butler of Brazos	Lange
Clayton	Lindsey
Dunlap of Kleberg	McFarland
Ford	Riddle
Good	Roane
Gray	Settle
Hankamer	Spears
Hill	

## Absent—Excused

Fitzwater

HOUSE BILL NO. 502 ON SECOND  
READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 502, A bill to be entitled "An Act amending Section 3 of Senate Bill No. 247, Chapter 158, page 400, Acts of the Regular Session of the Forty-third Legislature, 1933; empowering the Rehabilitation Division of the State Department of Education to take census, make surveys, and establish permanent records of crippled children, and to co-operate

with the Department of Education in providing equipment for and instruction of same; authorizing such division to organize and supervise diagnostic clinics and to approve and select physicians, etc., and declaring an emergency."

The bill was read second time.

Mr. Padgett offered the following committee amendment to the bill:

Amend House Bill No. 502 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That Section 3 of Senate Bill No. 247, Chapter 158, page 400, Acts of the Regular Session of the Forty-third Legislature, 1933, be, and the same is hereby, amended to hereafter read as follows:

"Section 3. The Rehabilitation Division of the State Department of Education is empowered to take census, make surveys and establish permanent records of crippled children; to co-operate with the Department of Education in providing special equipment and instruction in the education of crippled children, to organize and supervise public diagnostic clinics; to approve and select physicians, and said physicians to be selected by the standards as set up by State and National Associations of Orthopedic Surgery; to select and designate hospitals for the care of crippled children contemplated by this Act; providing that such hospital must be approved by the State Board of Control, and to take such other steps as may be necessary in order to accomplish the purposes of this Act.

"At the discretion of the State Department of Education, transportation, appliances, braces and material necessary in the proper handling of crippled children may be in part or entirely provided.

"The Rehabilitation Division of the State Department of Education is directed to provide in the rules and regulations, elsewhere provided for, a schedule of prices for the various operations, each operation to be listed separately in the schedule and said schedule shall apply to all doctors, approved by the State Department of Education for hospital, nursing, and all other services contemplated in carrying out the purpose of this Act. Such charges shall at no time exceed for hospitals the rate of \$25 per week and the rate for other services shall

not at any time exceed the average minimum charge for the same service rendered to average ward patients in the hospitals approved for purpose of this Act.

"Sec. 2. The fact that the present law is inadequate for the proper care and treatment of crippled children and the crowded condition of the calendar creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule, requiring bills to be read upon three several days in each house, and the said rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

Mr. Leonard offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 502, page 2, line 10, by striking out the figures "\$25" and inserting in lieu thereof the figures "\$18".

The amendment was adopted.

The committee amendment, as amended, was then adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

House Bill No. 502 was then passed to engrossment.

#### HOUSE BILL NO. 502 ON THIRD READING

Mr. Padgett moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 502 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—120

Adamson	Celaya
Adkins	Clayton
Alexander	Collins
Alsup	Colson
Beck	Cooper
Bourne	Cowley
Bradbury	Craddock
Bradford	Crossley
Broyles	Daniel
Burton	Davis
Butler of Brazos	Davison of Fisher
Butler of Karnes	Davisson
Caldwell	of Eastland
Calvert	Dickison
Canon	Dunagan

Dunlap of Hays	McCalla
Duvall	McConnell
Dwyer	McKee
England	McKinney
Fain	Moffett
Farmer	Moore
Fisher	Morrison
Fox	Morse
Fuchs	Newton
Gibson	Nicholson
Glass	Olsen
Graves	Padgett
Gray	Palmer
Greathouse	Patterson
Hanna	Pope
Hardin	Quinn
Harris of Archer	Reader
Harris of Dallas	Reed of Dallas
Hartzog	Roach of Angelina
Head	Roach of Hunt
Hodges	Roark
Hofheinz	Rogers
Hoskins	Russell
Howard	Rutta
Huddleston	Scarborough
Hunt	Shofner
Hunter	Smith
Hyder	Stanfield
Jackson	Steward
James	Stinson
Jefferson	Stovall
Jones of Atascosa	Tarwater
Jones of Falls	Tennyson
Jones of Runnels	Thornton
Jones of Shelby	Tillery
Jones of Wise	Venable
Keefe	Waggoner
King	Walker
Knetsch	Wells
Lanning	Westfall
Leath	Wood of Harrison
Lemens	Wood of Montague
Leonard	Worley
Lotief	Young
Lucas	Youngblood
Mauritz	

#### Nays—2

Aikin	Morris
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#### Present—Not Voting

Cagle

#### Absent

Ash	Latham
Atchison	Lindsey
Bergman	Luker
Colquitt	McFarland
Dunlap of Kleberg	Payne
Ford	Petsch
Frazer	Reed of Bowie
Good	Riddle
Hankamer	Roane
Herzik	Roberts
Hill	Settle
Holland	Spears
Lange	

## Absent—Excused

Fitzwater

The Speaker then laid House Bill No. 502 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—122

Adamson	Hunt
Adkins	Hunter
Alexander	Hyder
Alsup	Jackson
Beck	James
Bourne	Jefferson
Bradbury	Jones of Atascosa
Bradford	Jones of Falls
Broyles	Jones of Runnels
Burton	Jones of Shelby
Caldwell	Jones of Wise
Calvert	Keefe
Canon	King
Celaya	Lanning
Clayton	Leath
Collins	Lemens
Colquitt	Leonard
Colson	Lotief
Cooper	Lucas
Cowley	Mauritz
Craddock	McCalla
Daniel	McConnell
Davis	McKee
Davison of Fisher	McKinney
Davisson	Moffett
of Eastland	Moore
Dickison	Morrison
Dunagan	Morse
Dunlap of Hays	Newton
Duvall	Nicholson
Dwyer	Olsen
England	Padgett
Fain	Palmer
Farmer	Patterson
Fisher	Payne
Fox	Pope
Frazer	Quinn
Fuchs	Reader
Gibson	Reed of Bowie
Glass	Reed of Dallas
Graves	Roach of Angelina
Gray	Roach of Hunt
Greathouse	Roark
Hanna	Rogers
Hardin	Russell
Harris of Archer	Rutta
Harris of Dallas	Scarborough
Hartzog	Shofner
Head	Smith
Herzik	Stanfield
Hodges	Steward
Hofheinz	Stinson
Holland	Stovall
Hoskins	Tarwater
Howard	Tennyson
Huddleston	Thornton

Tillery  
Venable  
Waggoner  
Walker  
Wells  
Westfall

Wood of Harrison  
Wood of Montague  
Worley  
Young  
Youngblood

## Nays—4

Aikin  
Knetsch

Morris  
Roane

## Present—Not Voting

Cagle

## Absent

Ash  
Atchison  
Bergman  
Butler of Brazos  
Butler of Karnes  
Crossley  
Dunlap of Kleberg  
Ford  
Good  
Hankamer  
Hill

Lange  
Latham  
Lindsey  
Luker  
McFarland  
Petsch  
Riddle  
Roberts  
Settle  
Spears

## Absent—Excused

Fitzwater

## SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 476 to the Committee on Conservation and Reclamation.

## RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

H. C. R. No. 83, Suspending Joint Rules numbers 23, 24, and 32, for the purpose of considering certain bills.

## LEAVES OF ABSENCE GRANTED

Mr. Fitzwater was granted leave of absence for this morning on account of illness, on motion of Mr. Stovall.

Mr. Worley was granted leave of absence for this morning on account of illness, on motion of Mr. Hyder.

## RECESS

Mr. Lemens moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. Broyles moved that the House recess to 9:30 o'clock a. m., tomorrow.

Question recurring on the motion by Mr. Broyles, it prevailed, and the House, accordingly, at 10 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

## APPENDIX

### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills as follows:

Appropriations: House Bills Nos. 854 and 864.

Education: Senate Bill No. 141.

Game and Fisheries: House Bill No. 967.

Judicial Districts: Senate Bill No. 489.

Judiciary: House Bill No. 968.

### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee, Room,

Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 19, A bill to be entitled "An Act requiring the filing of all leases, assignment of leases, or releases of oil or gas under any school or asylum land in which the State has a reservation of minerals in the General Land Office of Texas within thirty (30) days after the execution thereof; providing that no such lease, assignment of lease or release of any school or asylum land in which the State has a reservation of minerals shall be effective until filed in the General Land Office, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee, Room,

Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 68, A bill to be entitled "An Act authorizing counties, municipi-

palities, political subdivisions and taxing districts to sell to the Reconstruction Finance Corporation, or any other governmental agency, at less than par, and/or to compromise or adjust bonds held by it by selling and/or exchanging the same to the Reconstruction Finance Corporation, or any other governmental agency, at an agreed price which may be less than par, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 70, A bill to be entitled "An Act amending Article 2956 by adding thereto another section, Article 2956-a, providing that persons who are feeble, ill, and confined in bed or confined to their places of abode by reason of illness, may vote as absentees, may vote under Article 2956; providing that persons who are ill, aged, or decrepit and who are unable to walk to the polls, may be driven in any vehicle, wheel chair or other conveyance to such voting place, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 158, A bill to be entitled "An Act to provide for attendance of rural pupils or of other pupils in high schools at the expense of their home districts and of the State; for certification of eligibility of pupils and districts for tuition privileges in the high schools, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 377, A bill to be entitled "An Act creating a closed season upon wild deer, buck, doe, fawn, or wild turkey for a period of six (6) years in the County of Robertson, in the State of Texas, making it unlawful for any person to hunt, trap, ensnare, kill, or attempt to kill, by any means whatsoever, any wild deer, buck, doe, fawn, or wild turkey within said county for a period of six (6) years; providing a penalty therefor, and declaring an emergency."

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 580, A bill to be entitled "An Act authorizing commissioners courts of certain counties to allow Stephen F. Austin Teachers College to act as depository of certain historical documents and permitting the librarian and archivist of said college to give certified copies thereof, and declaring an emergency."

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 867, A bill to be entitled "An Act creating a conservation and reclamation district, to be known as 'Lower Rio Grande Flood Control District,' pursuant to and for the purposes set forth in Section 59, of Article XVI of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage its property, or levy taxes or assessments, or to pledge the credit of the State, etc., and declaring an emergency."

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 603, A bill to be entitled "An Act amending Article 7328, Revised Civil Statutes of 1925, as amended, Acts of 1927, Fortieth Legislature, First Called Session, providing for the purchase by the State in certain instances of lands sold for the payment of taxes; amending Article 2613, Revised Civil Statutes of 1925, withdrawing all forest lands from the market and providing for a system of State forest lands, the management and control thereof, and defining forest lands, etc., and declaring an emergency."

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 600, A bill to be entitled "An Act prohibiting the setting of any steel trap, snare, or deadfall in Smith County for the purpose of taking any fur-bearing animals for a period of two years; repealing all laws in so far as they conflict with this Act; providing a penalty for violation of this Act, and declaring an emergency."

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 912, A bill to be entitled "An Act prohibiting taking, killing, or possessing wild foxes for the purpose of barter or sale, providing a penalty for the violation thereof, in certain counties, and declaring an emergency."

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.



Committee Room,  
Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 915, A bill to be entitled  
"An Act to prohibit the use of a  
seine or net for taking fish in Mont-  
gomery County except a seine or net  
of not less than three-inch square  
mesh during certain months; except-  
ing a minnow seine from provisions  
of this Act; providing a penalty; re-  
pealing all laws or parts of laws in  
conflict herewith, and declaring an  
emergency,"

Has carefully compared same, and  
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,  
Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 794, A bill to be entitled  
"An Act prescribing qualifications of  
voters in all elections, except for is-  
suanee of bonds, in water improve-  
ment districts, irrigation districts, or  
water control and improvement dis-  
tricts in this State; repealing all laws  
and parts of laws in conflict herewith,  
and declaring an emergency,"

Has carefully compared same, and  
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,  
Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 807, A bill to be entitled  
"An Act authorizing two or more in-  
dependent school districts to consoli-  
date their tax assessing and collecting  
and legal departments and appoint  
one and the same person to assess and  
collect their taxes who shall have the  
same authority and perform the same  
duties with respect to assessing and  
collecting the school taxes as the coun-  
ty assessor and collector, and fix said  
compensation therefor, etc., and de-  
claring an emergency,"

Has carefully compared same, and  
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,  
Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 820, A bill to be entitled  
"An Act amending Title 26 of the Re-  
vised Civil Statutes, 1925, as amend-  
ed by Chapter 66, House Bill No. 122,  
of the General and Special Laws of  
the Forty-third Legislature, Second  
Called Session, page 146; providing a  
new article of said Title 26 to be here-  
after known as Article 930-b of said  
Title 26 of the Revised Civil Statutes  
of Texas, which Article 930-b shall  
provide that, where prior to March  
15, 1934, the effective date of said  
House Bill No. 122 of said Second  
Called Session of the Forty-third  
Legislature, any person or persons,  
copartnership, corporation, concern,  
or association had purchased a body  
or tract of land for cemetery pur-  
poses or for any of the purposes ex-  
pressed in said Title 26, and had,  
prior to said March 15, 1934, entered  
into written obligations or contracts  
to use said land for such purpose con-  
templated by said Title 26 for ceme-  
tery purposes or having executed  
and/or sold, prior to said date, stock  
subscriptions or other instruments in  
writing evidencing such intention to  
use said land or lands for cemetery  
purposes, etc., and declaring an emer-  
gency,"

Has carefully compared same, and  
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,  
Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 828, A bill to be entitled  
"An Act amending Article 7257 of the  
Revised Civil Statutes of 1935, pro-  
viding additional duties of the tax  
assessor and collector, requiring an  
entry upon the tax rolls when pay-  
ment of taxes have been made; pro-  
viding for a seal for this office, and  
prescribing that such entry shall be  
taken as evidence of the payment of  
said tax; and declaring an emer-  
gency,"

Has carefully compared same, and  
finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 847, A bill to be entitled "An Act prohibiting the transportation by any one person at any one time of more than one hundred and twenty-five (125) minnows taken from the waters of Falls County, Texas, beyond the borders of such county; providing a penalty; and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 883, A bill to be entitled "An Act amending Article 695, Revised Civil Statutes of Texas, 1925, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 866, A bill to be entitled "An Act to amend Article 1302, Revised Civil Statutes of Texas, 1925, by adding a new section, to be known as 95-b, to provide for the creation of corporations for the purpose of establishing, maintaining, operating and engaging in the business of cleaning, pressing, and dyeing clothing and other materials, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 862, A bill to be entitled "An Act making it an offense for any person to forge the name of any agent, officer or employe of the Railroad Commission of Texas to a permit or tender of the Railroad Commission of Texas relating to crude petroleum oil or natural gas or any product or by-product of either; making it an offense for any person to forge the name of any other person to such a tender or permit; making it an offense for any person to knowingly use such a forged instrument to induce another to handle or transport any crude petroleum oil or natural gas or any product or by-product of either; etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 936, A bill to be entitled "An Act making it unlawful to take squirrels in Washington County at any time other than during the months of May, June, July, October, November, and December, or to take more than ten squirrels in one day or to possess more than twenty squirrels at one time; providing a penalty; repealing all laws in conflict with this Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 16, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 928, A bill to be entitled "An Act to exempt banking institutions from furnishing security for any deposits to the extent such deposits are insured under Section 12-b of the Federal Reserve Act, as amended, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.